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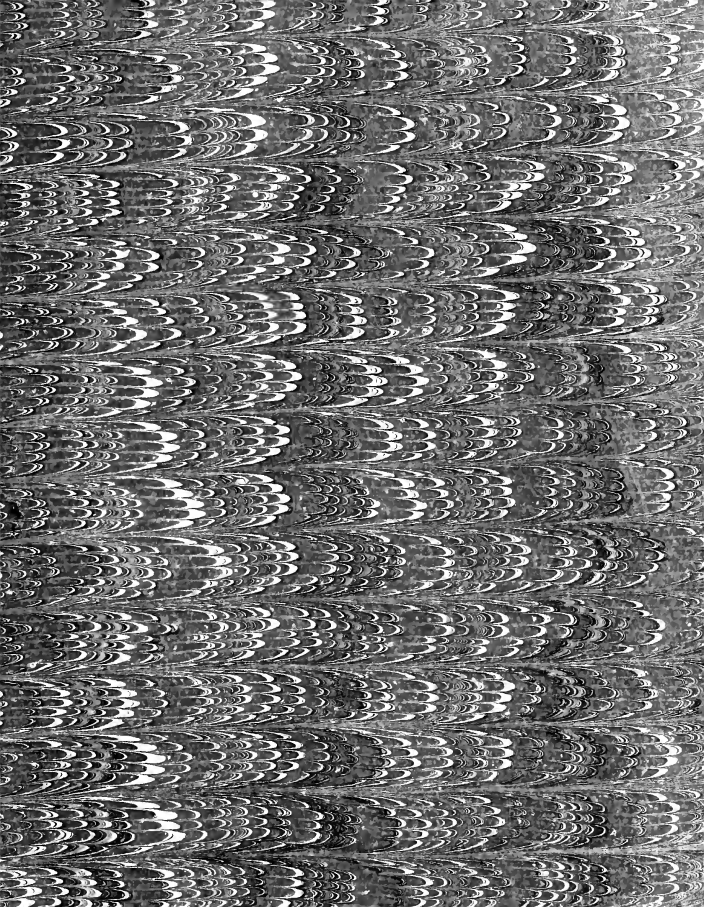
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Established May 25th, 1858.

THE

HUTCHINSON PAPERS.

VOL. I.



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[No.]



P R E F A C E.

THOMAS HUTCHINSON, the Historian of Massachusetts, was born in Boston, September 9th, 1711. He belonged to a family conspicuous in the annals of New England, and connected with many of those who had borne a prominent part in the government of the colonies. His grandfather was the only son of Edward Hutchinson, an early settler in Boston, and son of the famous Mistress Anne Hutchinson, whose heretical disquisitions had almost overthrown the plan of the settlement of the Massachusetts. William Hutchinson, the founder of the family here, was from Lincolnshire, and undoubtedly ranked among the gentry of his day. In the succeeding generations, the ancestors of Thomas Hutchinson intermarried with the Hawkins and Foster families, and became allied with the Clarks, Welsteeds, Davenports, Rucks, Winslows and Mathers, names intimately associated with our history.

Thomas Hutchinson was admitted into Harvard College in 1723, and was graduated in 1727; he did not enter one of the learned professions, however, but engaged in mercantile business.

Of the prominent part he took in political life, it is not our duty to speak. It is sufficient to say that he was a selectman in 1738, then the agent of the town in Great Britain, representative and speaker three years. In 1749 he was chosen a member of the Council, and in 1752 he succeeded his uncle, Edward Hutchinson, as Judge of Probate. In 1758 he was appointed Lieutenant-Governor, and in 1760, also Chief Justice of Massachusetts. He acted as Governor at different times previous to March, 1771, when he was commissioned to that office, and he held it until the arrival of Gen. Gage in May, 1774.

It is of course well known that he remained in England and took sides with the Crown in the war for Independence.

In the recent edition of Sabine's *American Loyalists*, that able writer has summed up the conflicting views of Hutchinson's character with charity and justice: "The regularity of his life, his sympathy for the distressed, his

affability, his integrity, his industry, his talents for business and the administration of affairs, his fluency and grace as a public speaker, his command of temper and courtesousness under provocation; united to form a rare man, and to give him a rare influence." "It may not be possible to form a correct opinion of the character and motives of action of Governor Hutchinson. But I cannot think that his contemporaries among the Whigs did him exact justice. The spontaneous and universal respect in which he was held by all parties previous to the Revolutionary controversy—the long, faithful and highly valuable services which he rendered his native Colony—surely entitled him to honorable mention then, and to our regard now." The events now occurring in our country may well make us charitable towards the political mistakes of men whose high position render a prompt decision unavoidable and irrevocable.

To consider a more agreeable feature in his character, and one concerning which none will dispute, is our present duty. Gov. Hutchinson was emphatically the historian of New England, and his antiquarian zeal has been the means of preserving a most interesting portion of our annals. The collection of papers and traditionary knowledge he inherited was large, but, as we shall see, he had also special opportunities afforded him to prepare himself for his work.

In the Introduction to the *History of King Philip's War*, Mr. S. G. Drake has cited letters written by Rev. Samuel Mather of Boston, the brother-in-law of Thomas Hutchinson. He writes, "My Father's Library was by far the most valuable Part of the family Property. It consisted of 7000 or 8000 Volumes of the most curious and chosen Authors, and a prodigious Number of valuable Manuscripts, which had been collected by my Ancestors for five Generations." Again, writing in 1784, "There were several Letters I had, original Letters, written by the renowned Oliver Cromwell to my Great-grandfather, Mr. John Cotton, which I lent to your careless Uncle, Mr. Hutchinson, and as I suppose, they are irrecoverably lost and gone: I furnished him, as I suppose you know, with most of the Materials of which his History was composed: And I am sorry that he made no better Use of them: For he has misrepresented and misapplied several Things of which I had given him better Information."

Governor Hutchinson states in the Preface to his *History of the Colony of Massachusetts Bay*, "The repeated destruction of ancient records and papers by fire in the town of Boston first inclined me to endeavour the preservation of such materials as remained proper for an history of the Massachusetts colony. Many such came to

me from my ancestors, who for four successive generations had been principal actors in public affairs; among the rest a manuscript history of Mr. William Hubbard, which is carried down to the year 1680, but after 1650 contains but few facts. The former part of it has been of great use to me. It was so to Dr. Mather in his history, of which Mr. Neale's is little more than an abridgment. I made what collections I could of the private papers of others of our first settlers, but in this I have not had the success I desired. The descendants of some of them are possessed of many valuable letters and other manuscripts, but have not leisure or inclination to look into them themselves, and yet will not suffer it to be done by others. I am obliged to no person more than to my friend and brother, the Reverend Mr. Mather, whose library has been open to me, as it had been before to the Reverend Mr. Prince, who had taken from thence the greatest and most valuable part of what he had collected."

The first volume of Hutchinson's History was published in 1764, and the work has passed through three editions. A very interesting bibliographical sketch of these books was published in 1857, by Charles Deane, Esq. The present Collection of Papers, as the preface states, was "intended to support and elucidate the principal facts related in the

first part of the History, and may serve as an Appendix to it. The Author of that History was possessed of many other ancient and very curious original papers which are irrevocably lost by an unfortunate event, sufficiently known."

This "unfortunate event" was thus described by Hutchinson in the preface of the second volume of the History:

"The stamp-act had disturbed the minds of the people of America. In such a state of affairs, the vicious, the abandoned have a peculiar opportunity of gratifying their corrupt affections of envy, malice and revenge. I had in public and private, in every way and manner which appeared to me the most prudent, endeavored to show the inexpediency of an act of parliament of this nature; but an unaccountable jealousy of the contrary had been infused into the mind of the populace, and being thus misguided, they expressed their resentment and rage by breaking into my house, destroying and scattering all my furniture, books, papers, &c. The sober, virtuous part of the province expressed the greatest detestation of this act of violence, and few or none ventured to justify or approve of it. The loss which I sustained, so far as it was reparable, by his Majesty's most gracious recommenda-

tion to the province and their generous grant in consequence of it, both which, in this public manner, I most gratefully acknowledge, has been repaired or compensated, but the loss of many papers and books as well as manuscripts, besides my family memorials, never can be repaired.

“For several days, I had no hopes of recovering any considerable part of my history, but by the great care and pains of my good friend and neighbour, the reverend Mr. Eliot, who received into his house all my books and papers which were saved, the whole manuscripts, except 8 or 10 sheets, were collected together, and altho’ it had lain in the street scattered abroad several hours in the rain, yet so much of it was legible as that I was able to supply the rest and transcribe it. The most valuable materials were lost, some of which I designed to have published in the appendix. I pray God to forgive the actors in and advisers to this most savage and inhuman injury, and I hope their posterity will read with pleasure and profit what has so narrowly escaped the outrage of their ancestors.”

It is well known that in 1828, the third volume of Hutchinson’s History was published from his manuscript. The editor, John Hutchinson, stated that many other papers belonging to his grandfather remained unprinted,

and it will be noticed in the preface to this work that another volume was contemplated by the historian. In Notes and Queries (2nd S. vii, 240), another descendant of Governor Hutchinson has recorded the fact that these papers are still preserved. It is to be hoped that some opportunity will be presented by which these most interesting documents may be laid before the American public.

The present edition of Hutchinson's Papers it is hoped will supply an acknowledged want, since the volume has never been reprinted. Although since these papers originally appeared, the histories of Winthrop and Bradford have been made available to us, and the collections of various historical societies and the official records of the different colonies have furnished us with information denied to Hutchinson, these papers have not lost their interest or value.

It has not been the intention of the editors to indulge in long annotations. Regarding the volume as containing the note of Hutchinson's history, it has been thought best to leave the different articles as self-explanatory. Care has been taken, however, to compare the text with the originals or with authentic copies wherever it could be done, and the greater portion of the volume has been thus verified.

In view of a prevalent opinion that Hutchinson was not always accurate,—a point of importance when the originals of so many documents have disappeared,—it is with the highest satisfaction that we have to report that he was a most careful and exact copyist. Very few mistakes have been found in his transcripts, and certainly not the slightest suspicion can attach to him of having altered or omitted a word in a partizan spirit.

We do not deem it too much to say, that the documents here printed may be accepted without the slightest hesitation as to the entire fidelity with which they have been transcribed by the greatest of the historians of Massachusetts.







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A
C O L L E C T I O N
O F
O R I G I N A L P A P E R S

Relative to the
H I S T O R Y
O F T H E
Colony of Massachusetts-Bay.

BOSTON, NEW-ENGLAND:
Printed by THOMAS and JOHN FLEET,
1769.

The PREFACE.

THE natural increase of people upon the British continent of North-America is so great as to make it highly probable that in a few generations more a mighty Empire will be formed there.

The rise and progress of the several Colonies, of which this Empire will be constituted, will be subjects of entertainment for speculative and ingenious minds in distant ages.

He who rescues from oblivion interesting historical facts is beneficial to posterity as well as to his contemporaries, and the prospect thereof to a benevolent mind causes that employment to be agreeable and pleasant which otherwise would be irksome and painful.

The

The papers of which this volume consists are intended to support and elucidate the principal facts related in the first part of the History of Massachusetts-Bay, and may serve as an Appendix to it.

The author of that History was possessed of many other ancient and very curious original papers, which are irrecoverably lost by an unfortunate event, sufficiently known.

If this Collection shall be favourably received, another volume of Papers will probably be published, to serve as an Appendix to the second part of the same History.

[H.]

COLLECTION

COLLECTION of PAPERS

Relative to Massachusetts-Bay.

Massachusetts Colony Charter.*

CHARLES by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

To all to whom these Presents shall come, Greeting.

WHEREAS our most deare and royal Father King James of blessed memory, by his Highness's letters patents beareing date at Westminster the third day of November, in the eighteenth year of his reign, hath given and granted unto the Council established at Plymouth in the county of Devon, for the planting, ruling, ordering and governing of New-England in America, and to their heirs, successors and assigns for ever: All that part of America lying and being in breadth from forty degrees of northerly latitude from the equinoxtiall line, to forty eight degrees of the said northerly latitude inclusively, and in length of and within all the breadth aforesaid throughout the maine lands from sea to sea, together also with all

B the

*This first Charter of the Massachusetts Colony has never been printed. There are very few Manuscript Copies of it. Those are liable to so many accidents that it is thought proper to publish it as the most likely means of preventing it's being irrecoverably lost.—H.

the firme lands, soyles, grounds, havens, ports, rivers, waters, fishing, mines and mineralls, as well royall mines of gould and silver, as other mines and mineralls, precious stones, quar-
2] ries, and all and singular other commodities, jurisdictions, privileges, franchises and preheminences both within the said tract of land upon the maine, and also within the islands and seas adjoining. Provided always that the said islands or any the premises by the said letters patent intended and meant to be granted were not then actually possessed or inhabited by any other christian prince, or state, nor within the bounds limits or territories of the Southern Colony then before granted by our said deare father to be planted by such of his loving subjects in the southern parts. To have and to hold possesse and enjoy all and singular the aforesaid continent, lands, territories, islands, hereditaments and precincts, seas, waters, fishings, with all and all manner their commodities, royalties, liberties, preheminences, and profits that should from thenceforth arise from thence with all and singular their appurtenances, and every part and parcel thereof, unto the said Council, and their successors and assigns for ever, to the sole and proper use, benefit and behoof of them the said Council and their successors and assigns forever: To be houlden of our said most dear and royal Father, his heirs and successors, as of his manor of East Greenwich in the county of Kent, in free and common soccage, and not in Capite nor by knights service. Yielding and paying therefore to the said late King, his heirs and successors the fifth part of the oare of gould and silver which should from time to time and at all times thereafter happen to be found, gotten, had and obtained in, at or within any of the said lands, limits, territories and precincts, or in or within any part or parcel thereof, for or in respect of all and all manner of duties, demands and services whatsoever to be done made or paid to our said dear Father the late King, his heirs and successors; as in and by the said letters patent (amongst fundry other clauses,

clauses, powers, privileges and grants therein contained) more at large appeareth. And whereas the said Councel established at Plymouth in the county of Devon, for the planting, ruling, ordering and governing of New-England in America, have by their deed indented under their common seal, bearing date the nineteenth day of March last past, in the third year of our reign, given, granted, bargained, sold, enfeoffed, aliened and confirmed to Sir Henry Rose- [3 well, Sir John Young, knights, Thomas Southcott, John Humphrey, John Endecott and Symon Whetcomb, their heirs and associates forever, all that part of New-England in America aforesaid which lieth and extendeth between a great river there commonly called Monomack, alias Merriemack, and a certain other river there called Charles river, being the bottom of a certain bay there commonly called Massachusetts, alias Mattachusetts, alias Massatusetts bay, and also all and singular those lands and hereditaments whatsoever lying and being within the space of three English miles on the south part of the said Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward of the southermost part of the said bay called Massachusetts, alias Mattachusetts, alias Massatusetts bay, and also all those lands and hereditaments which lye and be within the space of three English miles to the northward of the said river called Monomack alias Merry-mack, or to the northward of any and every part thereof, and all lands and hereditaments whatsoever, lying within the limits aforesaid, north and south, in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from the Atlantick and western sea and ocean on the east part to the south sea on the west part, and all lands and grounds, place and places, soils, wood and wood grounds, havens, ports, rivers, waters, fishings and hereditaments whatsoever, lying within
the

the said bounds and limits, and every part and parcel thereof, and also all islands lying in America aforesaid in the said seas or either of them on the westerne or easterne coasts or parts of the said tracts of land by the said indenture mentioned to be given, granted, bargained, sold, enfeoffed, aliened and confirmed or any of them : And also all mines and mineralls, as well royall mines of gould and silver, as other mines and mineralls whatsoever in the said lands and premisses or any part thereof : And all jurisdictions, rights, royalties, liberties, 4] freedoms, immunities, priviledges, franchises, preheminen-
cies, and commodities whatsoever, which they the said Councel established at Plymouth in the county of Devon for the planting ruling ordering and governing of New-England in America then had or might use exercise or enjoy, in and within the said lands and premises by the said indenture mentioned to be given, granted, bargained, sold, enfeoffed and confirmed, or in or within any part or parcel thereof. To have and to hold the said part of New-England in America which lyes and extends and is abutted as aforesaid, and every part and parcel thereof ; And all the said islands, rivers, ports, havens, waters, fishings, mines and minerals, jurisdictions, franchises, royalties, liberties, priviledges, commodities, hereditaments and premisses whatsoever, with the appurtenances, unto the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Symon Whetcomb, their heirs and assigns, and their associates, to the only proper and absolute use and behoof of the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Symon Whetcomb, their heirs and assigns, and their associates forevermore. To be holden of us, our heirs and successors, as of our mannor of East Greenwich in the County of Kent, in free and common soccage, and not in Capite, nor by knights service, yielding and paying therefore unto us, our heirs and successors, the fiftē part of the oare of gould and silver

silver which shall from time to time and at all times hereafter happen to be found, gotten, had and obtained, in any of the said lands within the said limits, or in or within any part thereof, for and in satisfaction of all manner of duties, demands and services whatsoever, to be done, made or paid to us, our heirs or successors, as in and by the said recited indenture more at large may appear. Now know ye, that we, at the humble suite and petition of the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Simon Whetcomb, and of others whom they have associated unto them, Have, for divers good causes and considerations us moving, granted and confirmed, and by these presents of our especiall grace, certain knowledge and meere motion do grant and confirm unto the said Sir Henry [5 Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their associates* hereafter named (videlicet) Sir Richard Saltonstall Knt. Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassal, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassal, William Pinchion, and George Foxcroft their heirs and assigns, all the said part of New England in America, lyeing and extending betweene the bounds and limits in the said recited indenture expressed, and all lands and grounds, place and places, soyles, wood and wood grounds, havens, ports, rivers, waters, mines, mineralls, jurisdictions, rights, royalties, liberties, freedoms, immunities, priviledges, franchises, preheminnences,

* These associates named in the charter, are the subject of an essay in the *Transactions of the American Antiquarian Society*, vol. iii (1857). We may note that eleven of them, viz : Sir Richard Saltonstall, John Humfrey, John Endecott, Isaac Johnson, Increase Nowell, Richard Bellingham, Theophilus Eaton, John Browne, Samuel Browne, William Vassal and William Pinchion, and possibly Thomas Southcott, came to this country.

nences, hereditaments and commodities whatsoever to them the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Simon Whetcombe, their heirs and assigns, and to their associates by the said recited indenture given granted bargained sould enfeoffed aliened and confirmed, or mentioned or intended thereby to be given granted bargained sould enfeoffed aliened and confirmed. To have and to hold the said part of New England in America and other the premisses hereby mentioned to be granted and confirmed and every part or parcell thereof with the appurtenances unto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their heirs and assigns for ever, to their only proper and absolute use and behoofe for evermore. To be holden of us our heirs and successors as of our manor of East Greenwich aforesaid in free and common soccage, and not in Capite nor by knights service, and also yielding and paying therefore to us our heirs and successors the fifth part only of all oare of gould and silver, which from time to time and at all times hereafter shall be there gotten, had or obtained, for all services, exactions and demands whatsoever, according to the tenure and reservation in the said recited indenture expressed. And further know ye that of our more especial grace, certain knowledge and meere motion we have given and granted, and by these presents do for us our heirs and successors give and grant unto the said Sir Heney Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey,

John

John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassal, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassal, William Pinchion, and George Foxcroft, their heirs and assignes, all that part of New England in America which lies and extends between a great river there commonly called Monomack river, alias Merrymack river, and a certain other river there called Charles river, being at the bottom of a certain bay there commonly called Massachusetts, alias Mattachusets, alias Massachusetts Bay, and also all and singular those lands and hereditaments whatsoever lying within the space of three English miles on the south part of the said river called Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the southward of the southermost part of the said bay called Massachusetts, alias Mattachusets, alias Massachusetts bay. And also all those lands and hereditaments whatsoever which lye and be within the space of three English miles to the northward of the said river called Monomack alias Merrymack, or to the northward of any and every part thereof, and all lands and hereditaments whatsoever lying within the limits aforesaid north and south in latitude and [7 breadth, and in length and longitude of and within all the breadth aforesaid throughout the maine lands there from the Atlantick and western sea and ocean on the east part, to the south sea on the west parte, and all lands and grounds, place and places, soyles, wood and wood grounds, havens, ports, rivers, waters and hereditaments whatsoever lying within the said bounds and limits and every part and parcel thereof, and also all islands in America aforesaid in the said seas or either of them on the western or eastern coastes, or partes of the said tracts of lands hereby mentioned to be given or granted or any of them, and all mines and mineralls

as

as well royall mines of gould and silver as other mines and mineralls whatsoever in the said lands and premisses or any part thereof, and free liberty of fishing in or within any the rivers or waters within the bounds and limits aforesaid and the seas thereunto adjoining, and all fishes, royal fishes, whales, balan, sturgions, and other fishes of what kind or nature soever that shall at any time hereafter be taken in or within the said seas or waters or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their heirs and assignes, or by any other person or persons whatsoever there inhabiting by them or any of them appointed to fish therein. Provided always that if the said lands islands or any other the premisses herein before mentioned, and by these presents intended and meant to be granted, were at the time of the granting of the said former letters patents dated the third day of November in the eighteenth yeare of our said deare fathers reigne aforesaid actually possessed or inhabited by any other christian prince or state, or were within the bounds, limits, or territories of that Southerne Colonie then before granted by our said late g] father to be planted by divers of his loveing subjects in the south parts of America, that then this present grant shall not extend to any such parts or parcells thereof, so formerly inhabited or lying within the bounds of the southern plantation as aforesaid, but as to those parts or parcells so possessed or inhabited by such christian prince or state, or being within the bounders aforesaid, shall be utterly voide, these presents or any thing therein contained to the contrary notwithstanding. To have and to hould, possesse and enjoy the said parts of New-
England

England in America, which lye, extend and are abutted as aforefaid and every part and parcell thereof, and all the iflands, rivers, ports, havens, waters, fifhings, fifhes, mines, minerals, jurifdictions, franchifes, royalties, liberties, priviledges, commodities and premisses whatfoever, with the appurtenances unto the faid Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonftall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Ifaac Johnson, Samuel Alderfey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vaffal, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaffal, William Pinchion and George Foxcroft, their heirs and affignes forever, to the only proper and absolute ufe and behoofe of the faid Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonftall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Ifaac Johnson, Samuel Alderfey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuell Vaffall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaffal, William Pinchion, and George Foxcroft, their heirs and affignes forevermore. To be houlden of us, our heires and fucceffours, as of our mannor of Eaft Greenwich in the county of Kent within our realme of England, in free and common foccage, and not in capite, nor by knights service, and alfo yeelding and paying there[9]fore to us, our heires and fucceffors the fifth part only of all oare of gould and filver which from time to time and at all times hereafter fhall be there gotten, had or obtained, for all services, exactions and demands whatfoever. Provided alwayes and our exprefse will and meaning is, that onely one fifth part of the gould and filver oare above mentioned in the whole, and no more, be referved or payeable unto us, our heirs and fucceffours, by colour or vertue of these presents,

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the double reservations or recitals aforesaid, or any thing therein contained notwithstanding. And for as much as the good and prosperous successe of the plantation of the said parts of New-England aforesaid intended by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Ifaac Johnson, Samuel Alderfey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, to be speedily sett upon, cannot but chiefly depend, next under the blessing of Almighty God and the support of our royall authority, upon the good government of the same, to the end that the affairs and busineses which from time to time shall happen and arise concerning the said lands and the plantation of the same, may be the better managed and ordered. We have further hereby of our especiall grace, certain knowledge and meere motion, given, granted and confirmed, and for us, our heires and successours, do give, grant and confirme unto our said trustie and well-beloved subjects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcomb, Ifaac Johnson, Samuel Alderfey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassal, [10] William Pinchion and George Foxcroft, and for us, our heires and successours, wee will and ordaine, That the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Ifaac Johnson, Samuel Alderfey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard

Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion and George Foxcroft, and all such others as shall hereafter be admitted and made free of the Company and society hereafter mentioned shall from time to time and at all times forever hereafter be by virtue of these presents one body corporate and politique in fact and name, by the name of the Governor and Company of the Mattachusetts Bay in New England: And them by the name of the Governor and Company of the Mattachusetts Bay in New England, one body politique and corporate in deed fact and name, Wee doe for us our heirs and successors make ordaine constitute and confirme by these presents, and that by that name they shall have perpetuall succession, and that by the same name they and their successors shall and may be capable and enabled, as well to impleade and to be impleaded, and to prosecute demand and answer, and be answered unto in all and singular suites, causes, quarrells, and actions of what kind and nature soever. And also to have, take, possesse, acquire and purchase any lands, tenements, or hereditaments, or any goods or chattells, the same to lease, grant, demise, alien, bargain, sell and dispose of as other our liege people of this our realme of England, or any other corporation or body politique of the same may lawfully doe. And further that the said Governor and Companye and their successors may have forever one common seale to be used in all causes and occasions of the said Companie, and the same seale may alter, change, break and new make from time to time at their pleasures. And our will and pleasure is, and we do hereby for us our [11] heirs and successors ordaine and grant, that from henceforth for ever there shall be one Governor, one deputy Governor, and eighteen Assistants of the same Company to be from time to time constituted elected and chosen out of the freeman of the said Company for the time beinge, in such manner and forme as
hereafter

hereafter in these presents is expressed. Which said officers shall apply themselves to take care for the best disposing and ordering of the generall busines and affaires of for and concerning the said lands and premisses hereby mentioned to be granted, and the plantation thereof and the government of the people there. And for the better execution of our royall pleasure and grant in this behalfe, we do by these presents for us our heires and successors nominate, ordaine, make, and constitute our well beloved the said Matthew Cradock, to be the first and present Governor of the said Company, and the said Thomas Goffe to be deputy Governor of the said Company, and the said Sir Richard Saltonstall, Isaac Johnson, Samuel Aldersey, John Ven, John Humfrey, John Endecott, Symon Whetcombe, Increase Nowell, Richard Perry, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcroft, William Vassall, and William Pinchion, to be the present Assistants of the said Company to continue in the said several offices respectively for such time and in such manner as in and by these presents is hereafter declared and appointed. And further we will and by these presents, for us our heires and successors do ordaine and grant that the Governor of the said Company for the time being, or in his absence, by occasion of sickness or otherwise, the deputy Governor for the time being shall have authority from time to time upon all occasions to give order for the assembling of the said Company, and calling them together to consult and advise of the busines and affaires of the said Company. And that the said Governor, deputy Governor and Assistants of the said Company for the time being shall or may once every month or oftner at their pleasures assemble and hould and keep a court [12] or assembly of themselves for the better ordering and directing of their affairs. And that any seven or more persons of the Assistants together with the Governor or deputy Governour so assembled shall be said, taken, held, and reputed to be, and shall be a full and sufficient court

court or assembly of the said Companie, for the handling, ordering, and dispatching of all such busineses and occurrences, as shall from time to time happen, touching or concerning the said Company or plantation, and that there shall or may be held and kept by the Governor or deputy Governour of the said Company, and seven or more of the said Assistants for the time being upon every last Wednesday in Hillary, Easter, Trinity and Michaelmas Termes respectively for ever, one great generall and solemn assembly, which four generall assemblies shall be styled and called the foure greate and generall courts of the said Company: In all or any of which said greate and generall courts so assembled, We do for us, our heires and succeffours, give and grant to the said Governour and Company and their succeffours, that the Governour, or in his absence the deputy Governour of the said Company for the time being, and such of the Assistants and freemen of the said Company as shall be present or the greater number of them so assembled, whereof the Governour or deputy Governour and six of the assistants at the least to be seven, shall have full power and authority to choose, nominate and appoint such and so many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admit, and to elect and constitute such officers as they shall thinke fitt and requisite for the ordering, managing and dispatching of the affaires of the said Governor and Company and their succeffours, and to make lawes and ordinances for the good and welfare of the said Company, and for the government and ordering of the said lands and plantation, and the people inhabiteing and to inhabite the same, as to them from time to time shall be thought meete. So as such lawes and ordinances be not [13] contrary or repugnant to the laws and statutes of this our realme of England. And our will and pleasure is, and we do hereby for us, our heires and succeffours, establish and ordaine, That yearely once in the yeare forever hereafter

after, namely the last wednesday in Easter terme yearly, the Governour, deputy Governour and Assistants of the said Company, and all other officers of the said Companie shall be in the generall court or assemblie to be held for that day or time newly chosen for the yeare insueing by such greater part of the said Companie for the time being, then and there present, as is aforesaid. And if it shall happen the present Governour, deputy Governour and Assistants by these presents appointed, or such as shall hereafter be newly chosen into their rooms, or any of them, or any other of the officers to be appointed for the said Companie, to dye, or to be removed from his or their severall offices or places before the said generall day of election (whom we do hereby declare for any misdemeanor or defect to be removeable by the Governor, deputy Governor, Assistants and Company, or such greater part of them in any of the publick courts to be assembled as is aforesaid) that then and in every such case it shall and may be lawfull to and for the Governour, deputy Governour, Assistants and Company aforesaid, or such greater part of them so to be assembled as is aforesaid, in any of their assemblies to proceed to a new election of one or more others of their Company in the room or place, rooms or places of such officer or officers so dyeing or removed according to their discretions. And immediately upon and after such election and elections made of such Governour, deputy Governour, Assistant or Assistants or any other officer of the said Company in manner and forme aforesaid, the authority, office and power before given to the former Governour, deputy Governour, or other officer, and officers so removed, in whose stead and place new shall be so chosen, shall as to him and them and every of them cease and determine. Provided also, and our will and pleasure is that as well such as are by these presents appointed to be the present [14] Governour, deputy Governour and Assistants of the said Company, as those that shall succeed them, and all other officers to be appointed and chosen

chosen as aforefaid shall before they undertake the execution of their said offices and places respectively take their corporall oathes for the due and faithfull performance of their duties in the severall offices and places, before such person or persons as are by these presents hereunder appointed to take and receive the same, that is to say, the said Matthew Craddock who is hereby nominated and appointed the present Governour of the said Company shall take the said oathes before one or more of the Masters of our court of chancery for the time being, unto which Master or Masters of the Chancery we do by these presents give full power and authority to take and administer the said oath to the said Governour accordingly. And after the said Governour shall be so sworne, then the said deputy Governour and Assistants before by these presents nominated and appointed shall take the said several oathes to their offices and places respectively belonging before the said Matthew Craddock the present Governour so sworne as aforefaid. And every such person as shall at the time of the annuall election, or otherwise upon death or removall, be appointed to be the new Governour of the said Company shall take the oathes to that place belonging before the deputy Governour or two of the Assistants of the said Company at the least for the time being. And the new elected deputy Governour and Assistants, and all other officers to be hereafter chosen as aforefaid from time to time shall take the oathes to their places respectively belonging before the Governour of the said Company for the time being. Unto which said Governour, deputy Governour and Assistants, we do by these presents give full power and authority to give and administer the said oathes respectively, according to the true meaning herein before declared, without any commission or further warrant to be had and obtained of us, our heirs and successors in that behalfe. And we do further of our especiall grace, certain know[15]ledge and meere motion for us our heirs and successors give and grant to the said Governour and Company
and

and their successors for ever by these presents, that it shall be lawfull and free for them and their assignes at all and every time and times hereafter, out of any of our realmes and dominions whatsoever, to take, leade, carry and transport for and into their voyages, and for and towards the said plantation in New England all such and so many of our loving subjects or any other strangers that will become our loving subjects and live under our allegiance, as shall willingly accompany them in the same voyages and plantation, and also shipping armour weapons ordinance ammunition, powder, shott, corne, victuals, and all manner of clothing, implements, furniture, beasts, cattle, horses, mares, merchandizes, and all other things necessary for the said plantation, and for their use and defence, and for trade with the people there, and in passing and returning to and fro, any law or statute to the contrary hereof in any wise notwithstanding,* and without paying or yeelding any custome or subsidie either inward or outward to us, our heires or successors, for the same, by the space of seven yeares from the day of the date of these presents. Provided that none of the said persons be such as shall be hereafter by speciall name restrained by us, our heires or successors. And for their further encouragement, of our especiall grace and favour, we do by these presents for us, our heires and successors, yeeld and grant to the said Governor and Company and their successors and every of them, their factors and assignes, that they and every of them shall be free and quitt from all taxes, subsidies and customes in New-England for the like space of seven yeares, and from all taxes and impositions for the space of twenty and one yeares upon all goods and merchandises at any time or times hereafter, either upon importation thither, or exportation from thence, into our realme of England, or into any other of our dominions, by the said Governour and Companie and their successors, their deputies, factors and assignes, or any of them, except only the

*This is an extraordinary instance of dispensing power.—H.

[16] the five pounds per centum due for custome upon all such goods and merchandises, as after the said seven yeares shall be expired shall be brought or imported into our realme of England, or any other of our dominions, according to the ancient trade of merchants, which five pounds per centum onely being paid, it shall be thenceforth lawfull and free for the said adventurers the same goods and merchandizes to export and carry out of our said dominions into forreine parts, without any custome, tax or other duty to be paid to us, our heires or succeffours, or to any other officers or ministers of us, our heires and succeffours. Provided that the said goods and merchandises be shipped out within thirteen months after their first landing within any part of the said dominions. And we do for us, our heires and succeffours, give and grant unto the said Governour and Company and their succeffours, that whensoever, or so often as any custome or subsidie shall grow due or payable unto us, our heires or succeffours, according to the limitation and appointment aforesaid, by reason of any goods, wares or merchandises to be shipped out, or any return to be made of any goods, wares or merchandises, unto or from the said parts of New-England hereby mentioned to be granted as aforesaid, or any the lands and territories aforesaid, that then and so often and in such case the farmors customers and officers of our customes of England and Ireland, and every of them for the time being, upon request made to them by the said Governor and Company or their succeffours, factors, or assignes, and upon convenient security to be given in that behalfe, shall give and allowe unto the said Governour and Company and their succeffours, and to all and every person and persons free of that Company as aforesaid, six months time for the payment of the one halfe of all such custome and subsidie as shall be payable unto us, our heires and succeffours for the same, for which these our letters patents, or the duplicate or the inroll-

ment thereof, shall be unto our said officers a sufficient warrant and discharge. Nevertheless, our will and pleasure is, that any of the said goods, wares and merchandises [17] which be or shall be at any time hereafter landed or exported out of any of our realmes aforesaid, and shall be shipped with a purpose not to be carried to the parts of New-England aforesaid, but to some other place, that then such payment, dutie, custome, imposition or forfeiture shall be paid or belong to us, our heires and successors, for the said goods, wares and merchandise so fraudulently sought to be transported, as if this our grant had not been made nor granted. And wee do further will and by these presents for us, our heirs and successors, firmly enjoin and commande as well the Treasurer, Chancellor and Barons of the Exchequer of us, our heires and successors, as also all and singular the customers, farmers and collectors of the customes, subsidies and imposts, and other the officers and ministers of us, our heires and successors, whatsoever for the time being, that they and every of them upon the shewing forth unto them of these letters patents, or the duplicate or exemplification of the same, without any other writt or warrant whatsoever from us, our heires or successors, to be obtained or sued forth, do and shall make full, whole, entire and due allowance and cleare discharge unto the said Governour and Company and their successors, of all customes, subsidies, impositions taxes and duties whatsoever that shall or may be claymed by us, our heires and successors, of or from the said Governor and Company and their successors, for or by reason of the said goods, chattels, wares, merchandises and premises to be exported out of our said dominions, or any of them, into any part of the said lands or premises hereby mentioned to be given, granted and confirmed, or for or by reason of any of the said goods, chattels, wares or merchandises to be imported from the said lands and premises hereby mentioned to be given, granted and confirmed

confirmed, into any of our said dominions or any part thereof as aforesaid, excepting only the said five pounds per centum hereby reserved and payable after the expiration of the said terme of seven years as aforesaid and not before. And these our letters patents, or the inrollment duplicate or exemplification of the same shall [18] for ever hereafter from time to time, as well to the Treasurer, Chancellor and Barons of the Exchequer of us our heires and successors, as to all and singular the customers, Farmors and Collectors of the customs subsidies and imposts of us our heires and successors, and all searchers and other the officers and ministers whatsoever of us our heires and successors for the time being a sufficient warrant and discharge in this behalfe. And further our will and pleasure is, and we doe hereby for us, our heires and successors, ordaine, declare and grant to the said Governour and Company and their successors, That all and every the subjects of us, our heires or successors, which shall goe to and inhabite within the said lands and premisses hereby mentioned to be granted, and every of their children which shall happen to be borne there, or on the seas in going thither or returning from thence, shall have and enjoy all liberties and immunities of free and naturall subjects within any of the dominions of us, our heires or successors, to all intents, constructions and purposes whatsoever, as if they and every of them were borne within the realme of England. And that the Governour and deputy Governour of the said Company for the time being or either of them, and any two or more of such of the said Assistants as shall be thereunto appointed by the said Governour and Company at any of their courts or assemblies to be held as aforesaid, shall and may at all tymes and from tyme to tyme hereafter have full power and authority to administer and give the oath and oathes of supremacie and allegiance or either of them to all and every person and persons which shall at any tyme or tymes hereafter goe or passe to the lands
and

and premisses hereby mentioned to be granted to inhabite in the same. And wee do of our further grace, certaine knowledge and meere motion give and grant to the said Governor and Company and their successors, that it shall and may be lawfull to and for the Governour or deputy Governor and such of the Assistants and Freemen of the said Company for the tyme being as shall be assembled in any of their generall courts afore said, or in any [19] other courts to be specially summoned and assembled for that purpose, or the greater part of them (whereof the Governour or deputy Governor and fixe of the Assistants to be always seven) from tyme to tyme to make, ordaine and establish all manner of wholesome and reasonable orders, lawes, statutes and ordinances, directions and instructions not contrary to the lawes of this our realme of England, as well for the settling of the formes and ceremonies of government and magistracie fitt and necessary for the said plantation and the inhabitants there, and for nameing and stying of all sorts of officers both superiour and inferiour which they shall find needful for that government and plantation, and the distinguishing and setting forth of the severall duties, powers and limits of every such office and place, and the formes of such oathes warrantable by the lawes and statutes of this our realme of England as shall be respectively ministred unto them, for the execution of the said severall offices and places, as also for the disposing and ordering of the elections of such of the said officers as shall be annuall, and of such others as shall be to succeed in case of death or removall, and ministring the said oathes to the new elected officers, and for imposition of lawfull fynes, mulcts, imprisonment or other lawfull correction, according to the course of other Corporations in this our realme of England, and for the directing, ruleing and disposeing of all other matters and things whereby our said people inhabiting there may be so religiously, peaceably and civilly governed,

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as their good life and orderly conversation may winne and incite* the natives of that country to the knowledge and obedience of the onely true God and Saviour of mankind and the christian faith, which in our royall intention and the adventurers free profession is the principal end of this plantation. Willing, commanding and requiring, and by these presents for us, our heires and successors, ordaineing and appointing, that all such orders, lawes, statutes and ordinances, instructions and directions as shall be made by the Governour or deputy Governour of the said Company and such of the Assistants [20] and Freemen as aforesaid and published in writing under their common seale, shall be carefully and duely observed, kept, performed and putt in execution according to the true intent and meaneing of the same. And these our letters patents or the duplicate or exemplification thereof shall be to all and every such officers, superiour and inferiour, from tyme to tyme, for the putting of the same orders, lawes, statutes and ordinances, instructions and directions in due execution against us, our heirs and successors, a sufficient warrant and discharge. And we doe further for us, our heirs and successors, give and grant to the said Governor and Company and their successors, by these presents, That all and every such chiefe commanders, captains, governours and other officers and ministers, as by the said orders, lawes, statutes, ordinances, instructions or directions of the said Governour and Company for the tyme being, shall be from tyme to tyme hereafter employed either in the government of the said inhabitants and plantation, or in the way by sea thither or from thence, according to the natures and limits of their offices and places respectively, shall from tyme to tyme hereafter forever within the precincts and parts of New-England hereby mentioned to be granted and confirmed,

*Invite, in former edition.

firmed, or in the way by sea thither, or from thence, have full and absolute power and authority to correct, punish, pardon, governe and rule all such the subjects of us, our heires and successors as shall from tyme to tyme adventure themselves in any voyage thither or from thence, or that shall at any tyme hereafter inhabite within the precincts and parts of New-England aforesaid, according to the orders, lawes, ordinances, instructions and directions aforesaid, not being repugnant to the lawes and statutes of our realme of England as aforesaid. And wee do further for us, our heires and successors, give and grant to the said Governour and Company and their successors, by these presents, That it shall and may be lawful to and for the chief commanders, governors and officers of the said companie for the tyme being, who shall be resident in the said part of New-England 21] in America by these presents granted, and others there inhabiteing, by their appointment and direction from tyme to tyme and at all tymes hereafter, for their speciall defence and safety to incounter, expulse,* repell and resist by force of armes, as well by sea as by land, and by all fitting wayes and meanes whatsoever, all such person and persons as shall at any tyme hereafter attempt or enterprise the destruction, invasion, detriment or annoyance to the said plantation or inhabitants: And to take and surprise by all wayes and meanes whatsoever all and every such person and persons, with their shipps armour, munition and other goods as shall in hostile manner invade or† attempt the defeatinge of the said plantation, or the hurt of the said Company and inhabitants. Nevertheless, our will and pleasure is, and we do hereby declare to all Christian Kings, Princes and States, That if any person or persons which shall hereafter be of the
said

* Repulse, in former edition.

†And, in former edition.

saïd Company or plantation, or any other by lycense or appointment of the saïd Governour and Company for the tyme being, shall at any tyme or tymes hereafter, robb or spoyle by sea or by land, or do any hurt, violence, or unlawfull hostility to any of the subjects of us, our heires or successors, or any of the subjects of any Prince or State being then in league and amity with us, our heires and successors, and that upon such injury done, and upon just complaint of such Prince or State or their subjects, Wee, our heires or successors shall make open proclamation within any of the parts within our realme of England commodious for that purpose, that the person or persons having committed any such robbery or spoyle, shall within the terme limited by such a proclamation make full restitution or satisfaction of all such injuries done, so as the saïd Princes or others so complaining may hould themselves fully satisfied and contented. And that if the saïd person or persons having committed such robbery or spoyle shall not make or cause to be made satisfaction accordingly, within such tyme so to be lymited, that then it shall be lawfull for us, our heires and successors, to putt the saïd person or persons out [22] of our allegiance and protection; and that it shall be lawfull and free for all Princes to prosecute with hostility the saïd offenders and every of them, their and every of their procurers, ayders, abettors and conforters in that behalfe. Provided also, and our expresse will and pleasure is, and wee do by these presents for us, our heirs and successors, ordaine and appoint, that these presents shall not in any manner enure, or be taken to abridge, barre or hinder any of our lovinge subjects whatsoever to use and exercise the trade of fishing upon that coast of New England in America by these presents mentioned to be granted: But that they or any and every or any of them shall have full and free power and liberty to continue and use their saïd trade of fishing upon the saïd coast

coast in any of the seas thereunto adjoining, or any armes of the seas or salt-water rivers where they have beene wont to fish, and to build and set up upon the lands by these presents granted such wharfes, stages and workhouses as shall be necessary for the salting, drying, keeping and packing up of their fish to be taken or gotten upon that coast: and to cut downe and take such trees and other materials there growing, or being, or* shall be needfull for that purpose, and for all other necessary easements, helpes and advantage concerning their said trade of fishing there in such manner and forme as they have beene heretofore at any tyme accustomed to doe, without makeing any wilfull waste or spoyle, any thing in these presents contained to the contrary notwithstanding. And we do further for us our heires and successors ordaine and grant to the said Governour and Company and their successors by these presents, that these our letters patents shall be firme good effectual and available in all things and to all intents and constructions of lawe, according to our true meaning herein before declared, and shall be construed reputed and adjudged in all cases most favourably on the behalfe and for the benefit and behoofe of the said Governour and Company and their successors. Although expresse mention of the true yearly value or certainty of the premisses, or any of 23] them, or of any other gifts or grants by us or any other of our progenitors or predecessors to the foresaid Governour and Company before this time made, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restraint to the contrary thereof heretofore had, made, published, ordained or provided, or any other matter cause or thing whatsoever to the contrarie thereof in any wise notwithstanding. In witnes whereof we have caused these our letters to be made patent. Witness our selves at Westminster, the fourth Day of March in the fourth yeare of our reigne.

This

*As?

This is a true copy of such letters patents under the great seal of England. In testimony whereof I John Winthrop governour of the Mattachufetts aforefaid have caused the publick seal of the fame to be hereunto affixed this 19th day of the month called March 1643-1644.



John Winthrop, Gov.

Perhaps the occasion of making this copy is to be found in the following fact. A general court was held 7th of 1 mo. 1643-4. at Boston.—“Mr. Eaton desired a copy of our patent to show the Swedifh governour (at his request) and a new commission from the commissioners of the union This coming at the sitting of the general court, the commissioners advised with the court about it, who granted both, but the commission with a *salvo jure*.” Savage’s Winthrop, ii-189. This shows that a copy was then made

It will be observed that this copy of the Charter is one made here and certified by Governor Winthrop. The original charter under the Royal seal is preserved at the State House, and an exact copy is to be found in the first volume of the Massachusetts Records. The preceding copy has been compared with this printed Charter, but inasmuch as the abbreviations are printed by Hutchinson in full, no attempt has been made to restore the original form. The only differences worth mention are in the spelling of Cradock and Pinchion, which Hutchinson spelt Craddock and Pinchon, and in his use of the word *company*, where the original was *company*

The duplicate of the original charter, brought to this country by Endecott is now preserved in the Salem Athenæum. It is endorsed “A duplicate copie of ye * * * * granted to Sir Henry [Ro] fewell and others.”

E

Mr Francis

Mr. Francis Higginson's Agreement with the Massachusetts Company, the Engagement of several of the principal Undertakers to transport themselves and Families, Mr. Higginson's Journal of his Voyage, his Considerations in favour of the design of colonizing, and his Answer to the Objections made against it.

The Agreement with Mr. Higginson.

A true note of the allowance that the New England Company have by common consent and order of their court and counsell granted unto Mr. Francis Higginson minister, for his maintenance in New England, April 8. 1629.

1. **I**MPRIMIS, that 30*l.* in money shall be forthwith paid him by the Companies treasurer towards the chardges of fitting himself with apparell and other necessaries for his voyage.

2. Item, that 10*l.* more shall be payed over by the said treasurer towards the providing of books for present use.

3. Item, that he shall have 30*l.* yearly paid him for three yeares to beginne from the tyme of his first arrivall in New England; and so to be accounted and paid him at the end of every yeare.

4. Item, that during the said tyme the Company shall provide for him and his family necessaryes of diett, housing and firewood; and shall be att charges of transporting him into New England: And at the end of the said 3 yeares, if he shall not like to continue there any longer, to be at the charge of transporting him backe for England.

5. Item, that in convenient tyme an house shall be built, and certayne lands allotted thereunto; which during his stay in the country and continuance in the ministry shall bee for his use; and after his death or removall the same to be for succeeding ministers.

6. Item,

25] 6. Item, at the expiration of the said 3 yeares an 100 acres of land shall be assigned to him and his heires forever.

7. Item, that in case hee shall depart this life in that country, the said Company shall take care for his widdow during her widdowhood and aboade in that country and plantation; and the like for his children whilst they remaine upon the said plantation.

8. Item, that the milke of 2 kyne shall bee appointed towards the chardges of diett for him and his familye as aforesaid, and halfe the increafe of calves during the said 3 years: But the said 2 kyne, and the other halfe of the increafe to returne to the Company at the end of the said 3 yeares.

9. Item, that he shall have liberty of carrying over bedding, linnen, brasse, iron, pewter, of his owne for his necessary use during the said tyme.

10. Item, that if he continue 7 years upon the said plantation, that then 100 acres of land more shall be allotted him for him and his for ever.

The true coppie of the agreement at Cambridge,
August 26. 1629,¹

UPON due consideration of the state of the plantation now in hand for New England, wherein wee (whose names are hereunto subscribed) have engaged ourselves: and having weighed the greatnes of the worke in regard of the consequence, God's glory and the churches good; As also in regard of the difficultyes and discouragements which in all probabilityes must be forecast upon the execution of this businesse: Considering withall that this whole adventure growes upon the joynt confidence we have in each others fidelity and resolution herein, so as no man of us would have adventured it without assurance of the rest: Now, for the better encouragement of ourselves and others that shall joyne with us in this action, and to the end that every man may without scruple

¹ This date Aug. 26th refers to the "order of the Court Aug. 29th"

26] ple dispose of his estate and affayres as may best fitt his preparation for this voyage, it is fully and faithfully agreed amongst us, and every of us doth hereby freely and sincerely promise and bind himselfe in the word of a christian and in the presence of God who is the searcher of all hearts, that we will so really endeavour the execution of this worke, as by God's assistance we will be ready in our persons, and with such of our severall families as are to go with us, and such provision as we are able conveniently to furnish ourselves withal, to embarke for the said plantation by the first of March next, at such port or ports of this land as shall be agreed upon by the Company, to the end to passe the seas (under God's protection) to inhabite and continue in New England. Provided always, that before the last of September next the whole government together with the patent for the said plantation be first by an order of court legally transferred and established to remain with us and others which shall inhabite upon the said plantation. And provided also that if any shall be hindered by such just and inevitable lett or other cause to be allowed by 3 parts of foure of these whose names are hereunto subscribed, then such persons for such tymes and during such letts to be discharged of this bond. And we do further promise every one for himselfe, that shall fayle to be ready through his own default by the day appointed, to pay for every day's default the sum of 3*l*. to the use of the rest of the Company who shall be ready by the same day and time.

This was done by order² of court the 29th of August, 1629.

Richard Saltonstall

Tho: Dudley

William Vassall

Nicko: West

John Winthrop

Kellam Browne

Isaack Johnson

John Humfrey

Tho: Sharp

Increase Nowell

Will: Pinchon

William Colbron

Generall

² There is nothing about this "order" in the records of 29th Aug., but "Aug. 28th the especial cause of their meeting was to give answer to divers gent, intending to goe into New England."

27] Generall considerations for the plantation in New England, with an answer to several objections.³

FIRST, it will be a service to the church of great consequence, to carry the gospell into those parts of the world, and to raise a bulwarke against the kingdom of Antichrist which the Jesuits labour to rear up in all places⁴ of the world.

Secondly, all other churches of Europe are brought to desolation, and it may be justly feared that the like judgment is coming upon us; and who knows but that God hath provided this place to be a refuge for many whom he meanes to save out of the general destruction.

Thirdly, the land growes weary of her inhabitants, so that man, which is the most precious of all creatures, is here more vile and base than the earth they⁵ tread upon; so as children, neighbors and friends, especially of the poore, are counted the greatest burdens, which if things were right, would be the highest earthly blessings.

Fourthly,

³ Though the "General Considerations" are here printed amongst Higginson's papers, it is very doubtful whether he was the author of them. In the recently published Life and Letters of John Winthrop, (Boston, 1864) we find a copy of these Considerations nearly identical with this, and a number of "Objections and Answers" quite different. These documents are in the hand-writing of John Winthrop, who was frequently employed as a copyist by his father, John Winthrop. Another copy in the English State Paper office is endorsed "White of Dorchester his instructions for the plantation of New England."

Whoever was the author of the General considerations it cannot be doubted that the copy here printed is inferior to the one in Winthrop. Several passages in the present text are harsh and almost incomprehensible, but a comparison with Winthrop restores the meaning. It seems highly probable that the copy was made hurriedly, or else before the author or authors had revised it. The Objections and Answer seem to be in a different category, and the present text may be Mr. Higginson's, even as the other document was Winthrop's. The foot notes show Winthrop's variations.

⁴ Rear up *in those parts*.—Winthrop.

⁵ *We* tread upon.—Winthrop.

Fourthly.⁶ Wee are growen to that exceſs and intemperance in all exceſs of riot as no meane⁷ eſtate almoſt will ſuffice to keep ſaile with his equals, and he that ſayles in it muſt live in ſorrow⁸ and contempt. Hence it comes to paſſe that all arts and trades are carried in that deceitful manner and unrighteous courſe as it is almoſt impoſſible for a good upright man to maintayne his charge and live comfortably in any of them.

Fifthly. The ſchooll⁹ of learning and religion are ſo corrupted, as (beſides the unſupportable chardge of this¹⁰ education) moſt children, (even the beſt wittieſt¹¹ and of fayreſt hopes) are perverted, corrupted and utterly over powered by the multitude of evill examples and licentious governors of thoſe ſeminaries.

Sixthly.¹² The whole earth is the Lord's garden and hee hath given it to the ſons of Adam to bee tilled and improved by them, why then ſhould we ſtand ſtarving [28] here for places of habitation (many men ſpending as much labor and coſt to recover or keepe ſometymes an acre or two of lands, as would procure him many hundreds of acres, as good or better in another place) and in the meane tyme ſuffer whole countreyes¹³ as profitable for the uſe of man, to lye waſte without any improvement?

Seventhly. What can bee a better worke and more noble and worthy a chriſtian, than to helpe to raiſe and ſupport a particular church while it is in its infancy, and to join our forces with ſuch a company of faithfull people, as by a timely aſſiſtance

⁶ The fourth paragraph is the fifth in W; and the fifth here is his ſixth.

⁷ No man's eſtate. W.

⁸ *Scorne.* W.

⁹ The *Fountaines* of learning. W.

¹⁰ *Their* education. W.

¹¹ Beſt *witts.* W.

¹² The Sixth paragraph is the fourth in W.

¹³ A whole *Continent.* W

assistance may grow stronger and prosper, and for want of it may be put to great hazzard if not wholly ruinated?

Eightly. If any such as are known to bee godly and live in wealth and prosperity here, shall forsake all this to joyn themselves with church, and runne in hazard with them of hard and meane condition, it will be an example of great use both for the removing¹⁴ of scandall and sinister and worldly respects, to give more lyfe to the faith of God's people in their prayers for the plantation and also to encourage others to joyne the more willingly in it.

OBJECTIONS.

Object. 1.¹⁵ It will be a great wrong to our owne church and country to take away the best people; and we still lay it more open to the judgments feared.

Ans. 1st The number will be nothing in respect of those that are left. 2dly, Many that live to no use here, more than for their own private families, may bee employed to a more common good in another place. 3dly, Such as are of good use here may yett be so employed as the church shall receive no losse. And since Christ's coming the church is to be conceived as universall without distinction of cuntryes, so as he that doth good in any one place serves the church in all places, in regard of the unitye. 4thly, It is the revealed will of God that the gospell should be preached to all nations, and though we know not whether the Indians will receive it or not, yet it is a good worke to observe God's will in offering it to them; for God shall have glory by it though they refuse it.

Obj. 2.¹⁶ Wee have feared a judgment a long tyme, but yet we are safe; therefore it were better to stay till it come, and either we may flie then, or if we be overtaken in it wee may well be content to suffer with such a church as ours is.

Ans.

¹⁴ Removing the scandall of worldly & sinister respects. W.

¹⁵ This is the second objection in Winthrop.

¹⁶ This is the third in Winthrop, and is almost identical,

Anf. It is likely that this consideration made the churches beyond the seas as the Palatinate and Rochel, &c. to sit still at home, and not look out for shelter while they might have found it, but the wofull spectacle of their ruine may teach us more wisdom to avoid the plague while it is foreseene, and not to tarry as they did till it overtooke them. (If they were now at their former liberty wee may be sure they would take other courses for their safety.) And though most of them had miscarried in their escape, yet it had not been halfe so miserable to themselves, or scandalous to religion, as this desperate backsliding and abjuring the truth, which many of the antient professors among them, and the whole posterity that remaine are plunged into.

Obj. 3.¹⁷ Wee have here a fruitfull land with peace and plenty of all things.

Anf. Wee are like to have as good conditions there in tyme; but yet we must leave all this abundance, if it bee not taken from us. When we are in our graves, it will be all one whether we have lived in plenty or in penury, whether we have dyed in a bed of downe or lockes of straw. Onely this is the advantage of the meane condition, that it is a more freedom to dye. And the lesse comfort any have in the things of this world, the more liberty they have to lay up treasure in heaven.

Obj. 4. Wee may perish by the way or when wee come there, having hunger or the sword, &c. and how uncomfortable will it be to see our wives and children and friends come to such miserie by our occasion?

Anf. Such objections favour to much of the flesh. Who 30] can secure himselfe or his from the like calamities here? If this course be warrantable, we may trust God's providence for these things. Either he will keepe those evils from us, or will dispose them for our good and enable us to beare them.

Obj.¹⁸ 5. But what warrant have we to take that land,
which

¹⁷ Objections 3 & 4 are not in W.

¹⁸ This is the first in W.; the substance is the same, but this copy seems abbreviated.

which is and hath been of long tyme possessed of others the sons of Adam?

Ans. That which is common to all is proper to none. This savage people ruleth over many lands without title or property; for they inclose no ground, neither have they cattell to maintayne it, but remove their dwellings as they have occasion, or as they can prevail against their neighbours. And why may not christians have liberty to go and dwell amongst them in their waste lands and woods (leaving them such places as they have manured for their corne) as lawfully as Abraham did among the Sodomites? For God hath given to the sons of men a twofould right to the earth; there is a naturall right and a civil right. The first right was naturall when men held the earth in common, every man sowing and feeding where he pleased: Then, as men and cattell increased, they appropriated some parcells of ground by enclosing and peculiar manurance, and this in tyme got them a civil right. Such was the right which Ephron the Hittite had to the field of Machpelah, wherein Abraham could not bury a dead corpse without leave, though for the out parts of the country which lay common, he dwelt upon them and tooke the fruite of them at his pleasure. This appears also in Jacob and his sons, who fedd their flocks as bouldly in Canaanites land, for he is said to be lord of the country; and at Dotham and all other places men accounted nothing their owne, but that which they had appropriated by their own industry, as appears plainly by Abimelech's servants, who in their own country did often contend with Isaac's servants about wells which they had digged; but never about the lands which they occupied. So likewise betweene Jacob and Laban; he would not [31] take a kidd of Laban's without speciall contract; but he makes no bargain with him for the land where he fedd. And it is probable that if the country had not been as free for Jacob as for Laban, that covetous wretch would have made his advantage of him, and have upbraided Jacob with

it as he did with the rest. 2dly, There is more than enough for them and us. 3dly, God hath consumed the natives with a miraculous plague, whereby the greater part of the country is left voide of inhabitants. 4thly, We shall come in with good leave of the natives.

Obj. 6.¹⁹ We should send our young ones and such as can best be spared, and not of the best of our ministers and magistrates.

Ans. It is a great worke, and requires more skilfull artificers to lay the foundation of a new building, than to uphold and repaire one that is already built. If great things be attempted by weake instruments, the effects will be answerable.

Obj. 7. Wee see that those plantations that have been formerly made succeeded ill.

Ans. The fruit of any public designe is not to be discerned by the immediate success: it may appear in tyme, that they were all to good use. 2dly, There were great fundamental errors in others, which are like to be avoided in this: for 1st their mayne end and purpose was carnall and not religious. 2d, They aymed chiefly at profit and not at the propagation of religion. 3d, They used too unfitt instruments, a multitude of rude and ungoverned persons, the very scums of th land.²¹ 4th, They did not stablish a right forme of government.

¹⁹ Not in W.

²⁰ This is the fourth in W. His answer is much longer and he says especially "none of the former sustained any great damage but Virginia, which happened through their owne sloth and security."

²¹ This is also in Winthrop.

It seems probable that Higginson saw Winthrop's Objections and possibly he used an earlier draught. A comparison leads one almost to imagine that he heard it read and made notes which were afterwards written out. At all events the probabilities are in favor of Winthrop being the author, and his copy is much more valuable than this one.

[32] A true relation of the last voyage to New England, declaring all circumstances with the manner of the passage we had by sea, and what manner of country and inhabitants we found when we came to land ; and what is the present state and condition of the English people that are there already.

Faithfully recorded according to the very truth, for the satisfaction of very many of my loving friends, who have earnestly requested to be truly notified in these things.

Written from New England July 24. 1629.

Any curious criticke that lookes for exactnes of phrases, or expert seaman that regards propriety of sea-terms, may be disappointed.

A true relation of the last voyage to New England, made the last summer, begun the 25th of April, being Saturday Anno Domini, 1629.

THE Company of New England, consisting of many worthy gentlemen in the city of London, Dorchester, and other places, ayming at the glory of God, the propagation of the gospel of Christ, the conversion of the Indians, and the enlargement of the King's Majesty's dominions in America, and being authoris'd by his royal letters patents for that end, at their very great cost and charges, furnished 5 ships to go to New England, for the further settling of the English plantation that they had already begun there.

The names of the 5 shipps were as followeth.

The first is called the Talbot, a good and strong ship of 300 tunnes, and 19 pieces of ordinance, and served with 30 mariners. This ship carried about an 100 planters, 6 goates, 5 great pieces of ordinance, with meale, oatemeale, pease, and all manner of munition and provision for the plantation for a twelve monthe.

The second the George, another strong ship also, about

300 tunnes, 20 pieces of ordinance, served with about 30 [33] mariners; her chiefe carriage were cattell, 12 mares, 30 kyne, and some goats: also there gad in her 52 planters and other provision.

The third is called the Lyon's Whelp, a neat and nimble ship of 120 tunnes, 8 pieces of ordinance, carrying in her many mariners and about 40 planters, specially from Dorcester and other places thereabouts, with provision, and 4 goats.

The 4th is called the Four Sisters, as I heare, of about 300 tunns, which sayme ship carried many cattell, with passengers and provision.

The 5th is called the Mayflower, carrying passengers and provision.

Now amongst these 5 ships, the George having the special and urgent cause of hastening her passage, set sayle before the rest about the middle of April. And the Four Sisters and the Mayflower, not being thoroughly furnished, intended, as we heard, to set forth about 3 weeks after us: But we that were in the Talbot and the Lyon's Whelp, being ready for our voyage, by the good hand of God's providence, hoisted our sayle from Graves-end on Saturday the 25th of April, about 7 o'clock in the morning. Having but a faynt wind we could not go farre that day, but at night we ancred²² against Lie,²³ which is 12 miles from Gravesend, and there we rested that night, and kept Sabbath the next day.

On Monday, (the 27th) we sat forward and came to the flats, a passage somewhat difficult by reason of the narrownes of the channel and shallownes of the water; and going over this we were in some daunger: for our ship being heavy laden and drawing deepe water was sensibly felt of us all to strike 3 or 4 tymes on the ground: but the wind blowing somewhat strong we were carried swiftly on, and at last by God's blessing came safe to ancre at Gorin roade.

Tuesday (28th) we went a little further, and ancred over against Margret Downe,²⁴ staying for a wind for the Downes.

Wednesdai

²² Arrived, in former ed. ²³ Leigh, in former ed.

²⁴ The ms. seems to read Margret Towne, and no doubt means Margate.

Wednesday (29) we came safely through with much turning and tacking thorow the Gullies²⁵ into the Downes, and stayed that night.

[34] Thursday, (30th) Fryday and Saturday (May 1st & 2d.) the wind blew hard from south west and caused our ship to daunce, and divers of our passengers and my wiffe specially were sea sicke. Here the King's ship called the Assurance, pressed 2 of our mariners. Here we saw many porpuses playing in the sea, which they say is a signe of foule weather.

(May 3.) Sabbath day, a windye day and could: We kept Sabbath staying still at the Downes.

Monday (4th) God sent us a fayre gale of winde, North N. East, whereby we came merrily from the Downes, and passing Dover we saw 6 or 7 saile of Dunkirkers wafting after us; but it seemed they saw our company was too strong for them, for then we had with us 3 or 4 ships that went for the Straights: So they returned backe from pursuing us any longer. But sayling with a good wind we went speedily, and at night came neare the Isle of Wight, but being darke, we durst not put into the channell, but put backe for sea-roome 4 hours, and then other 4 houres sayled backe agayne the same way.

Tuesday (5th) early in the morning we entered the channell, the wind being weake and calme, and passed by Portsmouth very slowly: but in the afternoone the wind quickened, and we were forced to ancre a little on this side Cowcastle, but the wind growing more favourable, we weighed and came to ancre again, right against Cowcastle, thinking to stay that night, the wind being very calme. Here I and my wiffe and my daughter Mary, and 2 maids, and some others with us, obtained of the master of the ship to go a shoare to refresh us, and to wash our linnens, and so we lay at Cowes that night. But the wind turning when we were absent, they hoysted sayle and left us there, and ancred 8 miles further, over against Yarmouth, about 8 of the clocke at night.

Wednesday

²⁵ Gull channel is on the present maps.

Wednesday (6th) betyme in the morning the shalope was sent from the ship to fetch us to Yarmouth; but the water proved rough and our women desired to be sett on shoare 3 miles short of Yarmouth, and so went on foote by land and lodge in Yarmouth that night.

[35] On Thursday and Fryday (7th & 8th) there master Becher, allowed by the Company, gave me 40*s*. to make our provision of what things we would for the voyage.

Saturday (9th) we went to board again; and this day we had 2 other men pressed to serve the King's ship; but we got one agayne by intreaty.

The Sabbath next day (10th) we kept the ship, where I preached in the morning; and in the afternoone was intreated to preach at Yarmouth, where Mr. Meare and Captain Borley entertained us very kyndly, and earnestly desired to be noetified²⁶ of our safe arrivall in New England, and of the state of the country.

Monday morning (11th) blew a fayre wind from E. S. E. and the Lion's Whelp having taken in all her provision for passengers, about 3 of the clocke in the afternoone we hoyed fayle for the Needles, and by God's guidance safely passed that narrow passage a little after 4 a clocke in the afternoone. And being entred into the sea, from the top of the mast, we discerned 4 fayle of ships lying southward from us. But night coming on we tooke in our long boate and shalope. And the next day (12th) we had a fayre gale of Easterly wind that brought us towards night as farre as the Lizzard.

Wednesday (13th) the wind still houlding easterly, we came as farre as to the land's end, in the utmost part of Cornewall, and so left our dear native soyle of England behind us; and sayling about 10 leagues further we passed the Iles of Sillie and launched the same day a great way into the maine ocean. And now my wiffe and other passengers began to feele the tossing waves of the westernne sea, and so were very sea sicke.

And

²⁶ *Satisfied*, in former ed.

And this is to be noted, that all this while our passage hath beene upon the coast of England, so ought truly to be accounted the first day of our parting with Ould England.

Thursday (14th) the same easterly wind blew all day and night, and the next day (15th) so that some of the seamen thought we were come by this tyme 100²⁷ leagues from England, but towards night the wind was calme.

36] Saturday (16th) we were becalmed all day. This day met us a little ship that came from Christopher islands.

Sabbath (17th) being the first Lord's day we held at sea was very calm, especially in the morning, but we were disturbed in our morning service by the appearance of a Biskainers ship, a man of warre, that made towards us, and manned out his boate to view us: But finding us too strong for him he dared not venture to assault us, but made off.

This day my two children Samuel and Mary began to be sicke of the small-pocks and purples together. which was brought into the ship by one Mr. Browne who was sicke of the same at Graves-end, whom it pleased God to make the first occasion of bringing that contagious sicknes among us; where with many were after afflicted.

Monday (18th) calme still, the wind being N. W. blowing a little towards evening, but contrary to our course.

Tuesday (19th) wind S. W. as little helpfull as the former, and blowing very weake. This day the master of the ship, myself and another went aboard the Lion's Whelpe, where Mr. Gibbs made us welcome with bountiful entertainment. And this day towards night my daughter grew sicker, and many blew spots were seene upon her breast, which affrighted us. At the first we thought they had beene the plague tokens; but we found afterwarde that it was only an high measure of the

At

²⁷ 200, in former edit. This is one of the places which strongly confirms the belief that Hutchinson used this *ms.* The figure 1 is written peculiarly with a slight up stroke, so that it resembles an angular 2. From a comparison with other passages it is clearly intended for 100 leagues; it is impossible that they could have sailed 200 leagues in two days, a speed rarely attained by vessels now.

infection of the pocks, which were struck agayne into the child, and so it was God's will the child dyed about 5 of the clocke at night, being the first in our ship that was buried in the bowels of the great Atlantic sea; which, as it was a grieve to us her parents and a terrour to all the rest, as being the beginning of a contagious diseafe and mortality, so in the same judgment it pleased God to remember mercy in the child, in freeing it from a world of misery wherein otherwise she had lived all her daies. For being about 4 years ould, a yeare since, we know not by what means, sweyd in the backe, so that it was broken and grew crooked, and the joynts of her hipps were loosed, and her knees went crooked, pittiful to see. Since which she hath had a most [37] lamentable payne in her belly and would oft tymes cry out in the day and in her sleep also, my belly ! which declared her extraordinary distemper. So that in respect of her we had cause to take her death as a blessing from the Lord to shorten her miserie.

Wedneseday (20th) a wet morning, the wind was W. S. W. and in the afternoon N. W. & by W., both being contrary to our course, which was to sail W. & by S. Thus it pleased God to lay his hand upon us by sicknes and death and contrary winds; and stirred up some of us to make the motion of humbling ourselves under the hand of God, by keeping a solem day of fasting and prayer unto God, to beseech him to remove the continuance and further increase of these evils from us, which was willingly condescended unto as a duty very fitting and needful for our present state²⁸ and condition.

Thurseday (21st) there being two ministers in the ship, Mr. Smith and myselfe, we endeavoured, together with others, to consecrate the day as a solem fasting and humiliation to Almighty God, as a furtherance of our present worke. And it pleased God the ship was becalmed all day, so that we were freed from any encumbrance; and as soone as we had done prayers, see and behold the goodnes of God, about 7 a

clock

²⁸ Blank in manuscript.

clock at night the wind turned to N.E. and we had a fayre gale that night, as a manifest evidence of the Lord's hearing our prayers. I heard some of the mariners say, they thought this was the first sea-fast that ever was kept, and that they never heard of the like performed at sea before.

Fryday (22nd) the wind fayre and East* northerly, and for our purpose for* New England. It did blow strongly and carried us amayne with toffing waves, which did affright them that were not wonted to such sights.

Saturday (23d) the same wind blowing but more gently. Now we were comforted with the hope of my sonne Samuel's recovery of the pockes.

(24th) The 2d Lord's day, an ordely wind and prosperous. [38] On Monday (25th) a fayre frumme²⁹ gale, the wind S.S.W.

Tuesday (26th) about 10 of the clocke in the morning, whilst we were at prayers a strong and sudden blast came from the north, that hoysed up the waves and tossed us more than ever before, and held us all the day till toward night, and then abated little by little till it was calme. This day Mr. Goffe's great dog fell overboard and could not be recovered.

Wednesday (27th) the wind still N. and calme in the morning, but about noone there arose a So. wind, which encreased more and more, so that it seemed³⁰ to us that are landfmen a fore and terrible storm; for the wind blew mightily, the rayne fell vehemently, the sea roared and the waves tossed us horribly; besides it was fearfull darke and the mariners maid³¹ was afraid; and noyse on the other side with their running here and there, lowd crying one to onother to pull at this and that rope. The waves powred themselves over the ship that the two boats were filled with water, that they were fayne to strike holes in the midst of them to let the water out.

Yea

* Blank in manuscripts.

²⁹ Hutchinson has *furme*— i. e. firm.

³⁰ *Proved*, in former ed.

³¹ *maid* in former ed.; the *manuscript* is plain, but Young has mate.

Yea by the violence of the waves the long boat's coard³² which held it was broken, and it had like to have been washed overboard, had not the mariners with much payne and daunger recovered the same. But this lasted not many* houres : after* which* it became a calmisth day. All which while I lay close and warme in my cabine, but farre from having list to sleepe with Jonah ; my thoughts were otherwise employed as the tyme and place required. Then I saw the truth of the scripture, Psal. 107, from the 23d to the 32d. And my feare at this tyme was the lesse, when I remembred what a loving friend of myne, a minister accustomed to sea storms said to me that I might not be dismayed at such storms, for they were ordinary at sea, and it seldom falls out that a ship perisheth at storms,³³ if it have sea-roome. Which I the rather wryte that others, as well as myselfe by the knowledge hereof may be encouraged and prepared against these ordinary sea-storms.

Thursday (28th) So. wind ; calme at night. [Mr. Smith's child of nenton in Lancashire there borne, sicke this day.]³⁴

[39] On Fryday (29th) a boistrous wind blowing crosse, but was allayed towards night with a shower of rayne.

Saturday 30th. So. wind, but fayre and quiett.

Sabbath day (31st) being the 3d. Lord's day, fayre and calme ; we saw abundance of grampus fishes, 2 or 3 yards long, and a body as bigg as an ox.

Monday (June 1) the wind westerly and calme : But besides our being stayed by contrary winds we begun to find the temperature of the ayre to alter and to become more soletry and subject to unwholesome foggs. For coming now to the height of the Westerne Islands, some of our men fell sicke of the scurvie and other of the small pockes, which more and more increafed : Yet thanks be to God none dyed of it but
my

³² roape in former ed. ; cord in Young.

* blank in manuscript.

³³ *them* in former ed.

³⁴ The passage in brackets was crossed out with a pen and is omitted by Hutchinson and Young. The name of the town is indistinct.

my owne child mentioned. And therefore, according to our great need, we appointed another fast for the next day.

Tuesday (2d) we solemnly celebrate another fast. The Lord that day heard us before we prayed and gave us an answer before we called ; for early in the morning the wind turned full east, being as fitt a wind as could blow. And sitting at my study on the ship's poope I saw many bonny fishes³⁵ and porpoces pursuing one another, and leaying some of them a yard above the water. Also as we were at prayers under the hatch, some that were above saw a whale puffing up water not farre from the ship. Now my wiffe was pretty well recovered of her sea sicknesse.

Wednesday (3d) a fayre day and fine gale of full East wind. This day myselfe and others saw a large round fish sayling by the ship's side, about a yard in length and rounders³⁶ every way. The mariners called it a sunne fish ; it spreadeth out the finnes like beames on every side 4 or 5.

Thursday and Fryday (4th & 5th) the wind full E. we were carried with admiration on our journey. By this we were more than half way to New England. This day a fish very straunge to me, they call it a carvell³⁷ ; which came by the ship side, wafting along the top of the water. It appeared at the first like a bubble above the water as bigg as a man's fist, but the fish itselfe is about the bigness [40] of a man's thum, so that the fish itselfe and the bubble resemble a ship with sayles, which therefore is called a carvell.

Saturday (6th) wind direct East still.

(7th) The 4th Sabbath we kept at sea. The wind easterly till noone, and then it came full S. E. a strong gale that night and the next day (8th) till night. Tuesday (9th) the same wind held till 9 a clock in the morning ; and then a great showre which lasted till about 7 at night, and then it was a
very

³⁵ bonitos are here meant, as hereafter mentioned.

³⁶ roundeth in former ed. ; roundness in Young.

³⁷ No doubt what is called now a Portuguese man-of-war ; caravela, in Spanish is a sloop.

very calme. There we founded with a dipled³⁸ lyne above 100 fadome and found no bottom. This day we saw a fish called a turkle, a great and large shell fish, swimming above the water neere the ship.

Wednesday (10th) wind northerly, a fine gale but calmish in the afternoone.

Thursday (11th) the wind at N. an easye gale and fayre morning. We saw a mountayne of ice shining as white as snow like to a great rocke or clift on shoare, it stood still and therefore we thought it to be on ground and to reach the bottome of the sea. For though there came a mighty streame from the north yet it moved not, which made us sound, and we found a banke of 40 fathom deepe whereupon we judged it to rest; and the height above was as much. We saw also 6 or 7 pieces of ice floating on the sea, which was broken off from the former mountayne: We also saw great store of water fowle swimming by the ship within musket shott, of a pyde colour and about the bigness of a wild duck, about 40 in a company. The mariners call them hag birds³⁹ Towards night came a fogge, that the Lion's Whelp was lost till morning. And now we saw many bony toes⁴⁰ and grampuses every day more and more.

Friday (12th) Foggie and calmish, the wind notherly in the morning, but about noon it came S. E. a dainty loome⁴¹ gale which carried us 6 leagues a watch

Saturday (13th) the same wind till night, and we saw great store of porpuses and grampuses.

The 5th Sabbath, (14th) the same wind, towards noon it began to be foggie, and then it rained till night, we went 4 or 5 leagues a watch.

[41] Monday (15th) a fayre day but foggie, the same wind blowing but with fresh gales carried us 7 leagues a watch. In the

³⁸ *dipled* i. e., deep-lead or deep-sea line.

³⁹ "Probably a species of the Merganser," Young.

⁴⁰ bony fish in former ed., clearly a mistake: see also note 35.

⁴¹ Loom-gale is in Worcester's Dictionary as a nautical term.

the afternoone it blew harder, so the sea was rough, and we lost the sight of the Lion's Whelpe: it being foggie we drummed for them, and they shot off a great piece of ordinance, but we feared⁴² not one another.

Tuesday (16th) wind S. by E. foggie till about 10 a clocke. While we were at prayers it cleared up about an houre, and then we saw the Lion's Whelpe, distant about 2 leagues southward, we presently tackt about to meet her, and she did the same to meet us, but before we could get together a thick fogge came, that we were long in finding each other. This day we sounded divers tymes, and found ourselves on another banke, at first 40 fathom, after 36, after 33, after 24. We thought it to have been the bank over against Cape⁴³ Sable, but we were deceived, for we knew not certainly where we were because of the fogge. After 3 or 4 hours company we lost the Lion's Whelpe agayne, and beate the drum and shot of a great piece of ordinance, and yet heard not of them. But perceiving the banke to grow still shallower we found it 27 and 24 fathoms. Therefore, being a fogg, and fearing we were too near land we tackt about for sea-roome for 2 or 3 watches and steered south east.

Wednesday (17th) very foggie still, and wind S. and by W. and sounding found no bottome that we could reach.

Thursday (18th) wind full W. and contrary to us. This day a notorious wicked fellow that was given to swering and boasting of his former wickedness, bragged that he had got a wench with child before he came this voyage, and mocked at our daies of fast, railing and jesting against puritans, this fellow fell sick of the pockes and dyed. We sounded and found 38 fathom, and stayed for a little while to take some cod fish, and feasted ourselves merrily.

Fryday (19th) wind West still, a very fayre cleare day. About 4 a clock in the afternoone some went up to the top of the

⁴² heard, in former ed. and Young; but the *manuscript* is plain.

⁴³ Chap Sable in *manuscript*.

the maft, and affirmed to our great comfort they faw land to the north eaftward.

[42] Saturday (20th) wind S. W. a fayre gale. We founded and found 40, 30, 22, and a little after no ground.

Sabbath (21ft) being the 6th Lord's day; wind westerly⁴⁴ and calm.

Monday (22d) wind easterly, a fayre gale. This day we faw a great deal of froth not farre from us: we feared it might be fome breach of water againft fome [],⁴⁵ therefore the mafter of our fhip hoifted out the fhallow and went with fome of the men to fee what it was; but found it onely to be a froath carried by the ftream.

Tuesday (23d) the wind N. E. a fayre gale.*

Wednesday (24th) wind N. E. a fayre day and clear; about 9 a clocke in the morning we efpyed a fhipp about 4 leagues behind us; which proved the Lion's Whelpe, which had been a weeke feparated from us, we ftopped for her company. This day a child of good man Blacke⁴⁶, which had a consumption before it came to fhipp, died. This day we had all a cleare and comfortable fight of America, and of the Cape Sable that was over againft us 7 or 8 leagues northward. Here we faw yellow gilliflowers on the fea.

Thursday (25th) wind ftill N. E. a full and frefh gale. In the afternoon we had a cleare fight of many iflands and hills by the fea shoare. Now we faw abundance of mackrill, a great ftore of great whales puffing up water as they goe, fome of them neare our fhipp: their greatnefs⁴⁷ did astonifh us that
faw

⁴⁴ *northerly* in former ed.

⁴⁵ two words which Young could not decipher. Hutchinson has *rocks*.

⁴⁶ Hutchinson has Clarke by miftake Young fuggests Blake.

* The following paffage is omitted by Hutchinson and marked "omit" on the *manuscript*; another proof that he ufed this *manuscript*. Young prints as follows: [This day we examined five beaftly Sodomitical boys which confefed their wickednefs, not to be named. The faft was fo foul, we referred them to be punifhed by the Governor, when we came to New England, who afterwards fent them back to the Company, to be punifhed in Old England, as the crime deferved.] See Young's *Chronicles*, of *Maſſachuſetts*. 231, 90 and 93.

⁴⁷ *This creature* in former ed. The *manuscript* is plain, and Young agrees with our text.

saw them not before: their back appeared like a little island. At 5 a clocke at⁴⁸ night the wind turned S. E. a fayre gale. This day we caught mackrill.

Fryday (26th) a foggie morning, but after cleare and wind calme. We saw many schooles of mackrill, infinite multitudes on every side our ship. The sea was abundantly stored with rock weed and yellow flowers like gilly flowers. By noon we were within 3 leagues of Capan, and as we sayled along the coasts we saw every hill and dale and every island full of gay woods and high trees. The nearer we came to the shoare the more flowers in abundance, sometyme scattered abroad, sometymes joyned in sheets 9 or 10 yards long, which we supposed to be brought [43] from the low meadows by the tyde. Now what with fine woods and greene trees by land, and these yellow flowers paynting the sea, made us all desirous to see our new paradise of New England, whence we saw such forerunning signals of fertilitie afarre off. Coming neare the harbour towards night we takt about for sea-roome.

Saturday (27th) a foggie morning; but after 8 o'clocke in the morning very cleare, the wind being somewhat contrary at So. and by West, we takt to and againe with getting little; but with much adoe, about 4 o clock in the afternoone, having with much payne compassed the harbour, and being ready to enter the same, see how things may suddenly change! there came a fearful gust of wind and rayne and thunder and lightning, whereby we were borne with no little terrour and trouble to our mariners, having very much adoe to loofe downe the sayles when the fury of the storme held up. But God be praised it lasted but a while and soon abated agayne. And hereby

⁴⁸ Here the *manuscript*, now in the library of the Massachusetts Historical Society, ends. It is of early date, and is a copy carefully made. There can be no doubt, from the spelling and abbreviation, that Hutchinson used this copy; and in fact his handwriting can be seen in one or two places. He filled up one or two blanks, whether arbitrarily or not is unknown, and he made one or two errors, here corrected by comparison. The Rev. Alexander Young reprinted this journal in 1846 in his *Chronicles of Massachusetts*, and added some valuable notes, of which we have availed. He believed that Hutchinson owned and used this copy.

hereby the Lord showed us what he could have done with us, if it had pleased him. But blessed be God, he soone removed this storme, and it was a fayre and sweet evening.

We had a westerly wind which brought us between 5 and 6 o'clock to a fyne and sweet harbour, 7 miles from the head point of Capan. This harbour, 20 ships may easily ryde therein, where there was an island whither four of our men with a boate went, and brought backe agayne ripe strawberries, and gooseberries, and sweet single roses. Thus God was merciful to us in giving us a taste and smell of the sweet fruit as an earnest of his bountifull goodnes to welcome us at our first arrivall. This harbour was two leagues and something more from the harbour at Naimkecke where our ships were to rest and the plantation is already begun. But because the passage is difficult and night drew on, we put into Capan harbour.

(28th) The Sabbath, being the first we kept in America, and the 7th Lord's day after we parted with England.

Monday (29th) we came from Capan, to go to Naimkecke, [44] the wind northerly. I should have told you before that the planters spying our English colours, the Governour sent a shalop with 2 men on Saturday to pilot us. These rested the Sabbath with us at Capan; and this day, by God's blessing and their directions, we passed the curious and difficult entrance into the large spacious harbour of Naimkecke. And as we passed along it was wonderful to behold so many islands replenished with thicke wood and high trees, and many fayre greene pastures. And being come into the harbour we saw the George to our great comfort then being come on Tuesday, which was 7 daies before us. We rested that night with glad and thankful hearts that God had put an end to our long and tedious journey through the greatest sea in the world.

The next morning (30th) the goverour came aboard to our ship, and bade us kindly welcome, and invited me and my wiffe to come on shoare, and take our lodging in his house which we did accordingly.

Thus

Thus you have a faithful report collected from day to day of all the particulars that were worth noting in our passage.

Now in our passage divers things are remarkeable

First, through God's blessing our passage was short and speedy, for whereas we had 1000 leagues, that is 3000 miles English, to faile from Ould to New England, we performed the same in 6 weeks and 3 dayes.

Secondly, our passage was comfortable and easie for the most part, being ordinarily fayre and moderate wind, and being freed for the most part from stormie and rough seas, saving one night onely, which we that were not used thought to be more terrible than indeed it was, and this was Wednesday at night May 27th.

Thirdly, our passage was also healthfull to our passengers, being freed from the great contagion of the scurvie [45] and other maledictions, which in other passages to other places had taken away the lives of many. And yet we were in all reason in wonderful danger all the way, our ship being greatly crowded with passengers; but through God's great goodness we had none that died of the pockes but that wicked fellow that scorned at fasting and prayer. There were indeed 2 little children, one of my owne and another beside; but I do not impute it meerely to the passage; for they were both very sickly children, and not likely to have lived long, if they had not gone to sea. And take this for a rule, if children be healthfull when they come to sea, the younger they are the better they will endure the sea, and are not troubled with sea-sicknes as older people are, as we had experience in many children that went this voyage. My wiffe indeed, in tossing weather, was something ill by vomiting, but in calme weather she recovered agayne, and is now much better for the sea-sicknes. And for my owne part, whereas I have for divers years past been very sickly and ready to cast up whatever I
have

have eaten, and was very sicke at London and Gravesend, yet from the tyme I came on shipboard to this day, I have been straungely healthfull. And now I can digest our ship diett very well, which I could not when I was at land. And indeed in this regard I have great cause to give God praise, that he hath made my coming to be a method to cure me of a wonderful weake stomacke and continual payne of melancholly wynd from the spleene: Also divers children were sicke of the small pockes, but are safely recovered agayne, and 2 or 3 passengers towards the latter end of the voyage fell sicke of the scurvie, but coming to land recovered in a short tyme.

Fourthly, our passage was both pleasurable and profitable. For we received instruction and delight in behoulding the wonders of the Lord in the deepe waters, and sometimes seeing the sea round us appearing with a terrible countenance, and as it were full of high hills and deepe valleys; and sometimes it appeared as a most plain and even meadow. And ever and anon we saw divers kynds of [46] fishes sporting in the great waters, great grampuses and huge whales going by companies and puffing up water-streames. Those that love their owne chimney corner, and dare not go farre beyond their owne townes end shall never have the honour to see these wonderfull workes of Almighty God.

Fifthly, we had a pious and christian-like passage; for I suppose passengers shall seldom find a company of more religious honest and kynd seamen than we had. We constantly served God morning and evening by reading and expounding a chapter singing and prayer. And the Sabbath was solemnely kept by adding to the former, preaching twise and catechising. And in our great need we kept 2 solempne fasts, and found a gracious effect. Let all that love and use fasting and praying take notice that it is as prevaileable by sea as by land, wheresoever it is faithfully performed. Besides the ship master and his company used every night to sett their 8 and 12 a clocke watches with singing a psalme and prayer that was
not

not read out of a booke. This I wryte not for boasting and flattery; but for the benefit of those that have a mynd to come to New England hereafter, that if they looke for and desyre to have as prosperous a voyage as we had, they may use the same meanes to attayne the same. So letting passe our passage by sea, we will now bring our discourse to land on the shoare of New England, and I shall by God's assistance endeavour to speake nothing but the naked truth, and both acquaint you with the commodities and discommodities of the country.

[Of the earth: Of the water: Of the ayre: Of the fire in New England: As also of the discommodities of the country, and the condition of the Natives, that may be seene at large in Mr. Higginson's printed relation* of New England.]

Now for the present condition of the plantation what it is. When we came first to Naimkeck, now called Salem, we found about half a score houses built: and a fayre [47] house newly built for the governour, and we found also abundance of corne planted by them, excellent good and well liking. We brought with us about 200 passengers and planters more, which now by common consent of all the ould planters are all now combyned together into one body politique under the same governor. There are with us in all ould and new planters 300, whereof 200 are settled at Naimkecke, now called Salem, and the rest plant themselves at Massachusetts bay, being to build a towne there called Charlestown or Charlestowne;

we

* This printed relation was entitled "NEW ENGLANDS PLANTATION. Or a Short and True Description of the Commodities and Discommodities of that Countrey. Written by Mr. Higginson, a reverend Divine now there resident. Whereunto is added a Letter, sent by Mr. Graues an Enginere, out of New England. The third Edition, enlarged." London: Printed by T. and R. Coates for Michael Sparke, dwelling at the Signe of the *Blew Bible* in *Greene Arbor*, 1630" small 4to pp. 25. Thomas Hearne's copy of this edition is now in the library of the Massachusetts Historical Society. Young, who reprinted this in his *Chronicles of Massachusetts*, had seen the first edition also dated 1630, on the title-page of which, Higginson's name does not appear.

we that are settled at Salem make what haste we can to build, so that within a short tyme we shall have a fayre towne. We have great ordnance whereof we doubt not to fortifye ourselves in short tyme, to keep out a potent adversarye. But that which is our greatest comfort and means of defence above all others, is, that we have here the true religion and holy ordinances of Almighty God amongst us. Thanks be to God, we have plenty of preaching and diligent catechising, with strict and carefull exercise of good and commendable orders to bring our people to Christian conversation which whilst we do we doubt not but God will be with us, and so Rom. 8. 31, what shall we then say to these things. If God be with us who can be against us?

Some brief collections out of a letter that Mr. Higginson sent to his friends at Leiceſter.

There are certainly expected here the next spring the coming of 60 families out Dorcetterſhire⁴⁹, who have by letters ſignified ſo much to the Goverour to deſyre him to appoint them places of habitation ; they bringing their miniſters with them. Alſo many families are expected out of Lincolnſhire⁵⁰ and a miniſter with them, and a great company of godly chriſtians out of London. Such of you as come from Leiſter, I would counſell you to come quickly and that for two reaſons. 1ſt, if you linger too long, the paſſages of Jordan through the malice of [48] Sathan, may be ſtopped, that you cannot come if you would. 2dly, Thoſe that come firſt ſpeed beſt here, and have the priviledge of chooſing choice places of habitations. Little children of 5 yearsould may by ſetting corne one month be able to get their owne maintenance abundantly. Oh what a good worke might you that are rich do for your poore brethren, to helpe them with your purſes onely to convey

⁴⁹ Theſe were the ſettlers who came with Warham and Maverick. See Roger Clap's Journal.

⁵⁰ Theſe were the emigrants from Boſton, as Cotton, Dudley, Bellingham, Leverett, Coddington, Hough and Whiting.

vey them hither with their children and families, where they may live as well both for soule and body as any where in the world. Besides they will recompense the cost by helping to build houses and plant your ground for a tyme ; which shall be difficult worke at the first, except you have the helpe of many hands. Mr. Johnson out of Lincolnshire and many others, have helped our godly christians hither to be employed in their worke, for a while, and then to live of themselves. We have here about 40 goats that give milke, and as many milch kyne ; we have 6 or 7 mares and an horse, and do every day expect the coming of half a score mares more, and 30 Kyne by two shippes that are to follow us. They that come let them bring mares, kyne, and sheepe as many as they can : Ireland is the best place to provide sheepe, and lyes in the way. Bring none that are in lambe, nor mares in foale ; for they are in more danger to perish at sea. Of all trades carpenters are most needful, therefore bring as many as you can. It were a wise course for those of abilityes to joyne together and buy a shipp for the voyage and other merchandize. For the governour would that any man may employ his stocke in what merchandises he please, excepting only beaver skins, which the company of merchants reserve to themselves, and the managing of the publike stocke. If any be of the mynde to buy a shipp my cousin Nowell's⁵¹ counsell would be good. Also one Mr. ———⁵² a very godly man and the master of the ship we went in, and likewise one Mr. Graves the master's maite dwelling in Wapping may herein staund you in stead. The payment of the transportation of things is wondrous deare, as 5^l [49] a man and 10^l a horse and commonly 3^l for every tunne of goodes : so that a little more than will pay for the passage will purchase the possession of a ship for all together.

No man hath or can have a house built for him here unlesse he comes himselfe, or else send servants before to do it
for

⁵¹ Young makes him to be Increase Nowell.

⁵² blank in H. ; the name is no doubt Becher.

for him. It was an error that I now perceive both in myselfe, and others did conceive by not rightly understanding the merchants meaning. For we thought that all that put in their money into the common stocke, should have a house built for them, besides such a portion of the land ; but it was not so. They shall indeed have so much land allotted to them when they come to take possession of it and make use of it, but if they will have houses they must build them. Indeed we that are ministers, and all the rest that were entertained and sent over and maintained by the rest of the company, as their servants, for such a tyme in such employments, all such are to have houses built them of the companies charge and no others nor otherwise. They that put money into the stocke, as they do a good worke to helpe forwards so worthy a plantation, so all the gayne they are likely to have, is according to the increase of the stocke at 3 years end, by the trade of beaver, besides the lands which they shall enjoy when they will.

All that come must have victualls with them for a twelve month, I meane they must have meale, oatmeale and such like sustenance of food, till they can gett increase of corne by their owne labour. For, otherwise, so many may come without provision at the first, as that our small beginnings may not be sufficient to maintayne them.

Before you come be carefull to be strongly instructed what things are fittest to bring with you for your more comfortable passage at sea, as also for your husbandrey occasions when you come to the land. For when you are once parted with England you shall meete neither with taverns nor alehouse, nor butchers, nor grocers, nor apothecaries shops to helpp what things you need, in the midst of the great ocean, nor when you are come to land here [50] are yet neither markets nor fayres to buy what you want. Therefore be sure to furnish yourselves with things fitting to be had before you come ; as meale for bread, malt for drinke, woollen and linnen cloath,
and

and leather for shoes, and all manner of carpenters tools, and a good deale of iron and steele to make nails, and lockes, for houses, and furniture for ploughs and carts, and glasse for windowes, and many other things which were better for you to think of them than to want them here.

Whilst I was writing this letter my wiffe brought me word that the fishers had caught 1600 baffe at one draught, which if they were in England were worth many a pound.

Copy of a Letter from Governor Endecott to Governor Winthrop.*

Right Worshipful,

I did expect to have beene with you in person at the court, and to that end I put to sea yesterday and was driven back againe the wind being stiffe against us. And there being no canoe or boat at Sagust I must have have beene constrained to goe to Mistick and thence about to Charles town, which at this time I durst not be so bold, my bodie being at this present in an ill condition to wade or take cold, and therefore I desire you to pardon mee. Though otherwise I could have much desired it, by reason of many occasions and busineses. There are at Mr. Hewson's plantations 5 or 6 kine verie ill and in great danger, I feer they will hardlie escape it, whereof twoe are myne and all I have, which are worse than any of the rest. I left myne there this winter to doe Mr. Skelton a pleasure to keep his for him here at Salem, that he might have the benefit of their milk. And I understand by [51] Wincoll that they have been ill tended and he saith almost starved. Beside they have fed on acornes and they cannot digest them, for that they vomitt exceedinglie and are so bound in their bodies that he is faine to rake them and to use all his skill to maintaine life in them. I have willed him

to

* This Letter and divers others are intended meerly to give some idea of the writers and contain no interesting historical matters. H.

to be there till he can bring them to some strength againe if it be possible. And I have given him malt to make them mashes of licoris and annis feedes, and long pepper, and such other things as I had to drench them. I could wish when Manning hath recovered his strength that you would free him; for he will never doe you or Mr. Hewson service, for when he was well he was as negligent as the worst of them. Mr. Skelton, myselfe and the rest of the congregation desire to be thankfull to God and yourselfe for your benevolence to Mr. Haughton's child. The Lord restore it you. I prevailed with much adoe with Sir Richard for an old debt heere which he thought was desperate, to contribute it, which I hope I shall make good for the child. I think Mr. Skelton hath written to you, whome he thinks stands most in neede of contribution of such provisions as you will be pleased to give amongst us of that which was sent over. The yeele-potts you sent for are made, which I had in my boate, hoping to have brought them with mee. I caused him to make but two for the present, if you like them and his prices (for he worketh for himselfe) you shall have as many as you desire. He selleth them for 4 shillings a peece. Sir, I desired the rather to have beene at court because I heare I am much complayned on by goodman Dexter, for striking him. I acknowledge I was too rash in strikeing him, understanding since that it is not lawfull for a justice of peace to strike. But if you had seene the manner of his carriage, with such daring of mee with his armes on kembow &c. It would have provoked a very patient man. But I will write noe more of it but leave it till we speak before you face to face. Onely thus farre further, that he hath given out if I had a purse he would make mee empty it, and if he cannot have justice here* he will doe wonders [52] in England, and if he cannot prevale there, hee will trie it out with mee heere at blowes. Sir, I desire that

* "May 3, 1631. A jury impannelled to inquire concerning an accion of battery complained of by Thomas Dexter against Capt. Endicott. The jury finds for the plaintiffe and cesses for damages xlv." *Mss Records* i. 86.

that you will take all into consideration. If it were lawfull to trie it at blowes and hee a fitt man for mee to deale with, you should not heare mee complaine; but I hope the Lord hath brought mee off from that course. I thought good further to wryte what my judgment is for the dismissing of the court till corne be sett. It will hinder us that are farre off exceedingly, and not further you there. Mens labour are precious here in corne setting tyme, the plantations being yet so weak. I will be with you, the Lord assisting mee, as soone as conveniently I can. In the meane while I committ you to his protection and safeguard that never failes his children, and rest

Your unfeigned loving friend to command,
Jo: Endecott.

Salem, the 12th of Aprill,
1631.

Copy of a Letter from Mr. Winthrop, Governor of the Massachusetts, to Mr. Bradford, Governor of Plimouth, also a Copy of an Order of his Majesty's Council.⁵³

Sir,

UPON a petition exhibited by Sir Christopher Gardener, Sir Ferdinando Gorges, Capt. Mafon, &c. against you and us, the cause was heard before the Lords of the Privy Council, and afterwards reported to the King; the success whereof makes it evident to all, that the Lord hath care of his people here: the passages are admirable and too long to write. I heartily wish for an opportunity to impart them to you, being many sheets of paper, but the conclusion was against all mens expectation, an order for our encouragement, and much

⁵³ Though the original of this letter is not found, a copy is preserved in Bradford's History, p. 296-8, which agrees exactly with it, except in the spelling of a few words.

much blame and disgrace upon the adversaries, which calls for much thankfulness from us, all which we purpose (God willing) to express [53] in a day of thanksgiving to our mercifull God (I doubt not but you will consider if it be not fitt for you to joyne in it) who as he hath humbled us by his late correction, so he hath lifted us up, by an abundant rejoycing in our deliverance out of so desperate a danger; so as that which our enemies built their hopes upon, to ruine us by, he hath mercifully disposed to our great advantage, as I shall further acquaint you when occasion shall serve.

The Copie of the Order follows.

At the Court at Whitehall, January 19, 1632.

Sigillum Crescent.

Lord Privy Seale

Mr Trevers⁵⁴

Earle of Dorcet

Mr Vice Chamberlaine

Lord Viscount Faulkland

Mr Secretary Cooke

Lord Bishop of London

Mr Secretary Windebank

Lord Cottington

WHEREAS his Majesty hath lately been informed of great distraction and much disorder in that plantation in the parts of America called New England, which if they be true, and suffered to run on, would tend to the dishonour of this Kingdom, and utter ruine of the plantation: for prevention whereof, and for the orderly settling of government, according to the intention of those patents which have been granted by his Majesty and from his late royal father King James, it hath pleased his Majesty that the Lords and others of his most honourable Privy Council should take the same into consideration. Their Lordship in the first place thought fitt to make a committee of this Board to take examinations oft he matters informed. Which committee having called divers

⁵⁴ This name, Trevers, is printed in Bradford, Mr. Tre^r. Evidently Mr. Treasurer.

divers of the principal adventures in that plantation, and heard those that are complainants against them, most of the things informed being denied, and resting to be proved, by parties that must be called from that place, which required a long expense of time, and at present their Lordships finding they were upon dispatch of men, victuals and merchandize for [54] that place, all which would be at a stand if the adventurers should have discouragement, or take suspicion that the state here had no good opinion of that plantation; their Lordships not laying the faults or fancies (if any be) of some particular men, upon the general government or principal adventurers, which in due time is to be further enquired into, have thought fitt in the mean time to declare, that the appearances were so fair and hopes so great, that the country would prove both beneficial to the Kingdom, and profitable to the particulars, as that the adventurers had cause to go on chearfully with their undertakings, and rest assured, if things were carryed as was pretended when the patents were granted, and accordingly as by the patent is appointed, his Majesty would not only maintaine the liberties and priviledges heretofore granted, but supply anything further that might tend to the good government, prosperity and comfort of his people there of that place &c.⁵⁵ *

Mr.

* In Bradford this order is signed WILLIAM TRUMBALL.

⁵⁵ The case of Sir Christopher Gardiner has attracted much discussion. He was arrested on an accusation of having two wives in England (see Savage's Winthrop, i, 65-68, and Bradford, 294-5), but more probably because he was a trusted friend of Sir Ferdinando Gorges. Winthrop (i, 65) styles him at first "one Mr. Gardiner, calling himself Sir Christopher Gardiner, Knight of the golden melice," as though his title were doubtful. Bradford says that he claimed to be of the same family as the Bishop of Winchester, and that "being a great traveler, received his first honour of Knighthood at Jerusalem, being made Knight of the Sepulcher there." It seems that he was a Catholic. In the Proceedings of the Mass. Hist. Soc. 1858-60, p. 125, will be found a note by Hon. Robert C. Winthrop on the title "Knight of the golden melice," in which he expresses his belief that Gardiner was really a member of one of the numerous orders of knights; an opinion from which few will dissent. In the Historical Magazine viii, 75, J. Hammond Trumball, Esq., has followed out the argument showing that the title is "an exact

Mr. Cotton's Letter, giving the Reasons of his and Mr. Hooker's Removal to New England.⁵⁶

Reverent and beloved brother in our blessed Savior,

THAT which you observe touchinge the wonderfull goodnesse of the Lord to my wife and childe, in the midst of deepe dangers, I desire never to forgett it, but to walke (as the Lord shall be pleased to helpe me) according to that abundant faithfullnesse of his to one so andeserving all my dayes. Helpe me with your saythfull prayers soe to doe: That as by the prayers of your selfe and other brethren, I acknowledge the former mercy to have been graunted me, soe by the same, a faithfull and fruitfull use of it may be graunted likewise; otherwise I may say it with shame, I see a frame of spirit in my selfe ready to turne every grace of God into unprofitablenes yea and forgetfullnes of the most high God, the God of [55] our salvation. Howsoever God dealt otherwise with my cosigne Tuckney⁵⁷, and which might give unto some whom it nearly concerned a reasonable advertisement, yet I
am

translation of the Italian *Cavaliere della milizia aureata*, the proper designation of a Papal order formerly in high repute, and which is more popularly known as 'Knights of the Golden Spur' (Cavaliere dello Sperone d'oro). Anciently this ranked first among the Papal Orders of merit, and Knights of the Golden Militia took precedence of Knights of Malta." In the first volume of Massachusetts Records p. 83, will be found an order dated March 1, 1630-1, ordering Mr. Aleworth, Mr. Weaver, Mr. Plaftowe, Mr. Shuter, Cobbett and Wormewood to be sent to England as persons unmeet to inhabit here, and Sir Christopher Gardiner and Mr. Wright to be sent as prisoners into England.

⁵⁶ This letter has been compared with the original in the Massachusetts Historical Society's Library. It has been reprinted by Young.

⁵⁷ *Suckey* in H. She was the wife of Anthony Tuckney, colleague and successor of Cotton at Boston. Thomson's History adds little to Young's note, which says that he was born in Sept., 1599, at Kirton, near Boston, educated at Cambridge, was chaplain to the Earl of Lincoln, Master of Emmanuel, 1645, and of St John's, 1653. He was also Vice-Chancellor of the University in 1648, and Regius Professor of Divinity. He was one of the authors of the Westminster Catechism, was expelled after the Restoration, and died in London in February, 1670.

am perswaded it was in much faithfullnes to hir, that God tooke hir away to prevent the disquietnes and discouragement of hir spirit, which the evils ensueinge, evils hasteninge upon the Towne, would have brought upon hir: The Lord is wise and gracious, and knoweth how to deliver his, out of the houre of temptation; blessed for ever be his name in Christ.

The questions you demand, I had rather answer by word of mouth than by letter, yet I will not refuse to give you account of my brother Hooker's⁵⁸ removall and mine owne, feinge you require a reason thereof from us bothe. We bothe of us concur in a 3 fold ground of removal. 1. God havinge shutt a doore against both of us from ministringe to him and his people in our wonted congregations, and calling us by a remnant of our people and by others of this countrye to minister to them here, and opening a dore to us this way, who are we that we should strive against God, and refuse to follow the concurrence of his ordinance and providence together, callinge us forth to minister here. If we may and ought to follow God's callinge 3 hundred myles, why not 3 thousand? 2. Our Savior's warrant is [clear and strong (as we conceive)]⁵⁹ in our case, that when we are distressed^{*} in our course in one country (*nequit dicam* gravius) we should flee to another. To choose rather to bear witnes to the truth by imprisonment than by banishment, is indeede sometimes Gods way, but not in case men have ability of body and opportunity to remove, and no necessary engagement for to stay. Whilst Peter was yong he might gird himselfe and
goe

⁵⁸ Rev. Thomas Hooker, born at Marefield, co. Leiceſter, about 1586, was educated at Emmanuel College, Cambridge and chosen lecturer at Chelmsford, co. Essex, in 1626. After four years he was obliged to relinquish this from non-conformity, and he set up a grammar-school at Little Baddow, in which John Eliot became an usher. He came to New England in September, 1633, and was chosen pastor of the church at Cambridge. In 1636 he removed with most of his congregation to Hartford, Conn., when he died 7 July, 1647.

⁵⁹ The passage in brackets, nearly illegible, is omitted by H. and restored by Young.

* Blank in the manuscript.

goe wither he would, Joh. 21. 8. but when he was old and unfitt for traveyle, then indeed God called him rather to suffer himselfe to be girt of others, and led along to prison, and to death. Neverthles in this point I conferred with the cheife of our people, and offered them to bear witnesse to the truth I had preached, and practised amongst them [56] even unto bonds, if they conceived it might be any confirmation to their fayth and patience; but they diswaded me that course, as thinkinge it better for themselves, and for me, and for the church of God, to withdrawe myselfe from the present storme, and to minister in this country to such of their towne as they had sent before hither, and such others as were willinge to goe alonge with me, or to follow after me; the most of the*

[obliterated]⁶⁰ there. What service my selfe and brother Hooker might doe to our people or other bretheren (especially in close prison which was feared) I suppose we both of us (by God's helpe) doe the same, and much more, and with more freedom from hence as occasion is offered: besides all our other service to the people here, which yett is enough, and more than enough, to fill both our handes, yea and the hands of many brethren more, such as your selfe, should God be pleased to make way for your comfortable passage to us. To have tarryed in England for the end you mention, to appear in defence of that cause for which we were questioned, had been (as we conceyve it in our case) to limitt witnesse-bearing to the cause (which may be done more ways than one,) to one onely way, and that such a way as we doe not see God callinge us unto. Did not Paul bear witnesse against the Levitical ceremonies, and yett choose rather to depart out of Hierusalem, because the most of the Jews would not receyve his testimony concerninge Christ in that quæstion (Acts 22. 18) than to stay at Hierusalem to bear witnesse to that cause unto prison and death? Not that

we

* Blanks in the manuscript.

⁶⁰ A line illegible.

we came hither to strive against ceremonyes (or to fight against shadowes) there is noe neede of our further labor in that course; our people here desire to worship God in spirit and in truth, and our people left in England know as well the groundes and reasons of our sufferings against these things, as our sufferings themselves, which we beseech the Lord to accept and blesse, in our blessed Savior. How [57] farre our testimony there hath prevayled with any others, to search more seriouslye into the cause, we doe rather observe in thankfullnes and silence, than speak of to the prejudice of our bretheren.

3. It hath been no small inducement to us, to choose rather to remoove hither, than to stay there, that we might enjoy the libertye, not of some ordinances of God, but of all, and all in puritye. For though we blesse the Lord with you for the gracious meanes of salvation, which many of your congregations doe enjoy (whereof our owne soules have founde the blessings, and which we desire may be for ever continued and enlarged to you) yet feinge Christ hath instituted noe ordinance in vayne (but all to the perfectinge of the body of Christ and we knowe that our soules stand in neede of all to the uttmost, we durst not so farre be wantinge to the grace of Christ, and to the necessity of our owne soules, as to sitt downe some where else, under the shadowe of some ordinances, when by two monthes travayle we might come to enjoy the liberty of all.

To your 2d question, how farre ministers are bound to beare witnesse against corruptions cast upon the face of Gods ordinances, it is too large a point for me to give answer to in the heele of a letter. But thus much breifely: wittnes is to be borne against corruptions. 1. By keeping a man's owne garments cleane; I meane his owne outward practice. Rev. 16. 15. 2. By declaringe the whole counsell of God to his people, not shunninge any part of it, as reasonable occasion is offered, to prevent sinne in them. Acts 20. 26, 27. By avoydinge appearances of evill, as well as evill it selve. 1 Thes. 5. 22. Eleazerus durst not eate mutton, or bread,
or

or any other cleane foode, when it had an appearance of eateinge swines flesh, but chose death rather than deliverance by such meanes. 2. Maccab. cap. 6. ver. 21 to 25. whose story though it be apochryphall, yet the example authentically as being ratified by the apostles testimonie amongst the rest of like nature. Heb. 11. 35. where by the others he speaketh of, he meaneth not other women, but other men, for the word is ἀλλοί, [58] masculine. However, Peters dissembling is evidently blamed by Paul in a like case, when by his example he countenanced the imposinge of ceremonies upon the Gentiles, to whom God never gave them. Gal. 2. 11. to 14.

4. By contendinge for the truth in an holy manner, when others content with us against it. Jude 3. 4. By givinge account of our fayth before magistrates, if they call us to it publicly, requiringe to be informed of our doctrine and manner of life. 1 Pet. 3. 15. Otherwise if they call us to knowe our opinions in private (intending to bring us into trouble) or publicly, rather as captious quæstioners than judicall governors, in such a case, I suppose we may conceale our mindes, and put our adversaries upon prooffe, as our Saviour did, Joh. 18. 19. 20. 21. But why doe I spend time and wordes to you in these thinges, who know them as well as I can tell you; I rather desire you may be kept in a peaceable way of bearinge witnesse to the truth, (if the will of God be such) than exposed to hazards by such confession as mighte prejudice your liberty. My poore requests are to heaven for you, as I desire you might not forgett me and mine, and all us here. Now the God of peace and power guide and support your spirit, in all your endeavours, blesse and prosper your labors, and keepe you as a chosen vessell in the shadowe of his hande, through him that hath loved us,

Present my humble service to my right honourable, lord,⁶¹

as

⁶¹ The Earl of Lincoln.

as also my dear affectyon to Mr Ball,⁶² Mr Slater, and all the brethren with you especially to Mr. Dod,⁶³ Mr. Cleaver.⁶⁴ Mr. Winston, Mr. Cotton, with earnest desire of the continuance of all their prayers (with your owne) in our behalfe. So I rest.

Your very loving brother in our blessed Savior,
J. C.

Boston, Dec.
3, 1634.

[59] Copy of Mr. Owen Rowe's⁶⁵ Letter to Governor Winthrop.

London, the 18th February 1635.

Worthy Sir,

I HAVE received yours dated the 10th December, 1635, being very glad to hear of your wellfare, it doth somewhat rejoice my hearte when I consider and think what you enjoyne: my hearte is with you, I shall I hope be glad if the Lord make mee a way which I hope hee will that I may come, see your and behold the bewttye of our God in those governings of his

⁶² Dr. Young thinks this was Rev. Thomas Ball of Northampton—yet it may have been Rev. John Ball of Whitmore, co. Stafford, whose *Power of Godliness*, 1657, edited by Simon Ashe, was dedicated to the Earl of Manchester, who had patronised Ball when “necessitated to ly hid in a corner by reason of prelaticall Persecution.”

⁶³ John Dod, born at Shotwick in Cheshire in 1550, was educated at Jesus College, Cambridge, and was successively minister of Hanwell in Oxford, Fenny Compton in Warwick, Canons, Ashby and Fawley in Northamptonshire. He died at the latter place in 1645, aged 95.—*Young*.

⁶⁴ Perhaps Robert Clever of Drayton in Northamptonshire, says *Young*.

⁶⁵ Owen Rowe was a Tradefinan in London and of the Company designed to New England, but upon the change of times in England chose to remain there; was one of the King's Judges, and amongst those who were condemned and not executed. H.

The *Herald and Genealogist*, ii, 61 and 156 (London, 1864), contains a few particulars about Rowe —Ed.

his in his tempel: Sir, it dyd glad mee to see that you had not forgott mee and more that you would be pleased to take the paynes to wryte to mee. Sir, I have now put off my trade, and as soone as it shall please God to fend in my debts, that I may paye what I owe and cleare things so here that I may come away without giving offence, I am for your parte, the Lord make mee a cleare waye: now Sir, seeing you have mee in your thoughts, help forward that Mr Ransford may be accomodated with lands for a farme to keep my cattele, that so my stock may be preserved; for I conceive I have lost neare £500, as Mr Willson can certifie you: thus not doubting of your love he rests

Who is yours to command,
Owen Rowe.

Copy⁶⁶ of a Letter to Governor Winthrop from
Mr. Herbert Pelham,⁶⁷

Loving Cofen,

I RETURN you many thanks for your great love and hearty intertaynment of my brother, the ten pounds you desired me to pay for his board I payd to your brother [60] Downing, and think it little enough if not to little as things are with you for the present, and must acknowledge my self your debtor for your care and paynes with him: the account you sent I have perused and cast it up together with my disbursements and those of Sir Richard Saltonstalls, which I have added to myne having repayd him what he layd out for stones £10 and brafs, and fraught of the stones with some other small things, as when I send you the accompt will appear; soe that if I be not mistaken the accompt will be somewhat over, but for the present I conceive a mistake in the casting
up

⁶⁶ The original is in the Library of the Massachusetts Historical Society.

⁶⁷ Massachusetts History, Vol. 1, p. 144. H.

up of your account, which because I could not tell how to rectifie, I resolved by Mr Downings advice to send you backe your owne copy, and to keepe an other my selfe, which his man hath written out for me soe that when you se your own hand you may be the better able to sett it straight. I have sent over some fruit trees and some grape cuttings the best I could gett; if you like any of the grapes you may take what you please of them. I pray advice what I were to doe with my trees. I shall be larger next time; remember me kindly to my coufen your wife: so with my hourly prayers I rest
your ever loving coufen,⁶⁸

H. Pelham.

Feb. 23, 1635.

Copy⁶⁹ of a Letter from Mr Edward Winslow to
Governor Winthrop of the Massachusetts.

Right Worshipful,

BEING newly ryfen from court I was requested by our governor, who cannot at present write, to dispatch a messenger to you presently to informe you that we have this day by solemne act of court ingaged ourselves to take part with you and our brethren of Conectacut in the war against the Pecoats, purposing

⁶⁸ The exact relationship between Pelham and Winthrop is unknown. It seems by the will of Herbert Pelham, printed in the N. E. Hist. and Genealogical Register xviii, 172, that he was the grandson of Herbert Pelham and Katherine Thatcher, and probably son of Herbert and Penelope, dau. of Lord Delaware. His first wife was probably a Waldegrave, and that family was connected with the Forths and Winthrops. Hutchinson says he was of the family of the Duke of Newcastle, which is confirmed by the Peerages, but the details of the connection are variously given. He left at his death in 1672, sons Waldegrave, Edward, Henry and Nathaniel, whose descendants are still found here, as are also those of his daughter Penelope, wife of Josias Winslow.

⁶⁹ The original is in the Library of the Mass. Hist. Society. This was written in reply to one written 20 May, 1637, and printed in Bradford, p. 353.

purposing to sett fourth thirty men for the land service, besides the managing of the vessels which we conceive will not be lesse than forty; now we feare it will be longer than we willingly would for want of coats or coslets⁷⁰ which are very scarce with us, unless you [61] can furnish us, for which we would willingly pay, as also some other necessaries thereunto belonging; to morrow we shall know who are the men goe with them, but hereof our governor will write at large (who desireth to salute you once more by my pen) so soone as our court is ended and opportunity is offered.

Another maine end of our sending is in regard we have heard no more, till since we rose this evening, of the last expedition of our brethren and Capt. Underhill, and that is by Capt. Standish his Indian, who was sent this morning to Namasket, and faith the defeat of the fort is true and that onely three English were slaine in the taking of it. As also that the foresaid English and Capt. Patrick are still at Narrogthigganfet, and have been daies, which makes us jealous and shall be till we hear from you, and the rather because you heard nothing from any of them by letter when John Jenny came away. I pray you therefore let us heare, and let not this (though true) discourage the sending of your 160 men, but take such revenge as may be a service to after times for any the barbarians to rise against us. If any letters be comen from England I pray you send them by the bearer, or such news as is worth the sending. I am sorry for the carriages of your people, God sanctifie his hand and fit us for such trials as he hath appointed. Thus with my love to you and prayers
for

⁷⁰ Hutchinson prints this "boats or vessels", but the writing is plain. The Plymouth Records i, 60, contain the vote of the Court, agreeing to assist in the war. Also "It is also enacted by the Court that there shalbe thirty men sent for land service, and as many others as shall be sufficient to manage the barque." In Freeman's History of Cape Cod, ii, 257 is a note that Edmund Freeman lent the Colony 'arms which they had in the Pequot country', viz, 20 cosletts or pieces of plate armor, and this renders it the more probable that the deficiency of which Winslow writes was in defensive armor.

for you and yours, desiring you to salute my christian friends with you, take leave, remaining yours till death.

Ed: Winflow.

Plimouth the 5th of the
4th month 1636.⁷¹

Copy of a letter from Capt. Israel Stoughton to the
Governor of the Massachusetts.

Honourable Sir,

IT hath pleased God further to crowne our poore endeavours with success graciously, as you shall largely and punctually understand by Capt. Patrick, to whome I leave [62] the relation wholly, seeing a lively voyce will do it : and therefore I entreat your favour for this omission ; specially because it is late in the night and a faire wind attends us. Surely there have been so many singular providences as are worthy of due observance and eternall prayse. And albeit we have not the whole of our desires, yet O that we could extoll him for what we have and waite for more. Much is done, but not all, and if aught be well done, I desire we be not weary thereof, but proceed as God shall minister new occasions. Capt. Patrick can informe you of our intentions for the future : both for Block Island, Long Island, Indians beyond Puillipioak &c. Also if it shall appear usefull and pleasing to you we will some of us come march through Neepenet : I earnestly desire the work may be thoroughly done, and see we and our friends will suffer much by scattered wretches, if they be not closely followed.

⁷¹ This date is a mistake for 1637. The fort at the head of Mytic River was taken by Capt. Mason, 26 May, 1637. At Pequot Harbor he was joined by Capt. Patrick and the Plymouth men after the fight. In June Capt. Stoughton and the Massachusetts men arrived and tracked the remaining portion of the Indians to their refuge, when they were captured and killed. This was late in June or early in July. A Letter from Gov. Winthrop in Mass. Hist. Coll., 4th S. iii, 358, gives the particulars of the last affair.

followed. But I shall write more fully suddenly, and do desire to understand your pleasures: For we will prefer your minds before ours: But 't is clear some must reside here or hereabouts. It is beyond my abilities for the present to resolve you which is best in all things, or particularly about planting Pecot. For tho' the place be subsistable, and an excellent harbour, and abundance of corne, and the same ground ready for English grayne forthwith, which is a great help to planters, yet the providence of God guided us to so excellent a country at Quaillipioak⁷² river, and so all along the coast as we travelled, as I am confident we have not the like in English possession as yet, and probable 't is the Dutch will seize it if the English do not. It is conceived generally far more worthy than Pequid notwithstanding the former considerations. It is too good for any but friends; Capt. Patrick can informe you the full.

I heartely thank you for your loving care of us about necessaries and do acknowledge your kind acceptance of our poore imperfect indeavours, craving your prayers for more grace that we may so increase in loyal faithfullness and fruitfullness, such as may be God's honor [63] and the fullfilling of your and our joy through Jesus Christ our Lord; and so, with my due respect to yourself with the councill and majestates I take leave,

Yours as in duty I am bound

Israel Stoughton.

Possession house in Pequid, the
4th day of the 5th weeke of
our warrfare about midnight.⁷³

⁷² New Haven. H.

⁷³ The Year must be 1636 says Hutchinson's note, but is evident that it should be 1637.

PREFATORY NOTE BY THE EDITOR.

[The documents which follow relate to incidents in the great struggle between the opponents and adherents of Mrs. Hutchinson. They are deeply interesting because the result established the form of legislation for the Colony. The test question on the reception of the petition was in reality whether a collection of representatives, or a mass-meeting should constitute the supreme authority. An order of the Court (Mass Rec. i, 188), had authorized the freemen to send in written votes for Magistrates, and to send deputies to transact all other business. Vane, leading the adherents of Mrs. Hutchinson, wished at the meeting for electing magistrates, to present a petition and have action taken, because the majority at Boston was on his side. Had this course been adopted the freemen scattered throughout the colony would have lost their votes, and have been controlled by a minority living at the capital. Hutchinson writes (i, 60), "At the opening of the court of election 1637, which was not done until one a clock (May 17th) a petition was again offered from many of the town of Boston, which the Governor, Mr. Vane, would have read, but Mr. Winthrop the deputy governor opposed it as being out of order; this being the day by charter for elections and the inhabitants all convened for that purpose, if other business was allowed to take up the time the elections would be prevented; after the elections was over the petition might be read." Winthrop adds, "Diuers others also opposed that course as an ill preecedent, etc." and upon a vote being taken the majority decided to proceed to the election. (Savage's Winthrop i, 261-2). As the original petition is not extant, we give the following copy taken from "The short Story" commonly attributed to Welde.

Wee,

“Wee, whose names are under written (have diligently observed this honourable Courts proceedings against our deare and reverend brother in Christ, Mr. *Wheel*. now under censure at the Court, for the truth of Christ.) wee do humbly beseech this honourable Court to accept this Remonstrance and Petitions of ours, in all due submission tendred to your Worships.

For first. whereas our beeloved brother Mr. *Wheel*. is censured for contempt, by the greater part of this honoured Court, wee desire your Worships to consider the sincere intentions of our Brother to promote your end in the day of Fast, for whereas wee do perceive your principal intention the day of Fast, looked chiefly at the publick peace of the Churches, our Reverend Brother did to his best strength, and as the Lord assisted him, labour to promote your end, and therefore endeavoured to draw us neerer unto Christ, the head of our union, that so wee might bee established in peace, which wee conceive to bee the true way, sanctified of God, to obtain your end, and therefore deserves no such censure as wee conceive.

Secondly. Whereas our deare Brother is censured of sedition; wee beseech your Worships to consider that either the person condemned must bee culpable of some sedition fact or his doctrines must bee seditious or must breed sedition in the hearts of his hearers, or else wee know not upon what grounds hee should bee censured. Now to the first, wee have not heard any that have witnessed against our brother for any seditious fact. Secondly, neither was the doctrine, it selfe, beeing no other but the very expressions of the Holy Ghost him selfe, and therefore cannot justly bee branded with sedition. Thirdly, if you look at the effects of his Doctrine upon the hearers, it hath not stirred up sedition in us, not so much as by accident; wee have not drawn the sword, as sometimes *Peter* did, rashly, neither have wee rescued our innocent brother, as sometimes the *Isralites* did *Jonathan*, and yet they did not seditiously. The Covenant of free Grace held forth by our Brother, hath
taught

taught us rather to become humble suppliants to your Worships, and if wee could not prevaile, wee would rather with patience give our cheeks to the smiters. Since therefore the Teacher, the Doctrine, and the hearers bee most free from sedition (as we conceive) wee humbly beseech you in the name of the Lord Jesus Christ, your Judge and ours, and for the honour of this Court, and the proceedings thereof, that you will bee pleased either to make it appeare to us, and to all the world, to whom the knowledge of all these things will come, wherein the sedition lies, or else acquit our Brother of such a censure.

Further, wee beseech you remember the old method of Satan, the ancient enemy of Free Grace in all ages of the Church, who hath raised up such calumnies against the faithfull Prophets of God. *Eliab* was called the troubler of *Israel*, *1 King* 18. 17, 18. *Amos* was charged for conspiracy, *Amos* 7, 10. *Paul* was counted a pestilent fellow, or moover of sedition, and a ring-leader of a Sect, *Acts* 24, 5. and Christ himselfe, as well as *Paul*, was charged to bee a Teacher of new Doctrine, *Mark* 1, 27. *Acts* 17, 19. Now wee beseech you consider, whether that old serpent work not after his old method even in our daies.

Further, wee beseech you consider the danger of meddling against the Prophets. *Psal* 105. 14, 15, for what ye do unto them, the Lord Jesus takes as done unto himselfe; if you hurt any of his members, the head is very sensible of it: for so saith the Lord of Hosts. Hee that toucheth you toucheth the apple of mine eye. *Zack.* 2, 8. And better a millstone were hanged about our necks, and that wee were cast into the sea, than that wee should offend any of these little ones, which believe on him. *Matthew*, 18, 6.

And lastly, wee beseech you consider how should you stand in relation to us as nursing Fathers, which gives us encouragement, to promote our humble requests to you, or else wee would say with the Prophet. *Isa.* 22, 4. Look from mee that I may weep bitterly. Labour not to comfort mee,

&c, or as *Jer.* 9, 2. O that I had in the wildernesse a lodging place of a wayfaring man. And thus have wee made known our griefes and desires to your Worships, and leave them upon record with the Lord and with you. Knowing that if wee should receive repulse from you, with the Lord wee shall find grace."

The list of subscribers to this paper may perhaps be compiled from the record of those censured and disowned. We must remember however that Welde says "a seditious writing was delivered into the court in March, when Mr. Wheelwright was convicted, under the hands of more than three score of them." Mr. Cogshall of Boston said "though his hand was not to the petition, yet he did approve of it, and his hand was to a Protestation which was to the same effect." It is clear therefore that there were two if not more papers, so that it will be useless to attempt to discriminate as to which was signed by each of the partisans.

Libertye and the Weale Publick reconciled: In a briefe and cleare declaration of the misapprehension of some grieved minds concerninge the lawfull and orderly proceedings of the late Court of Elections at Newtown, the 17th of the 3d month, 1637.⁷⁴

The complaint is, that the peoples libertye was restrained, by such as withstood the reading of a petition tendered before the elections made.

For clearing hereof it is to be considered, 1. What the libertye is which they desire to have preserved: That I take to be this, viz. That the people may not be subjected to any lawe or power amonge themselves without their consent; whatsoever is more than this, is neither lawfull nor durable, and instead of liberties may prove bondage or licentiousnesse.

2.

⁷⁴ *Massachusetts History*, vol i, p. 61. H.

2. If this libertye be at any tyme restrayned by the people themselves, they are guilty of their owne harme; if any be.

3. If such restraint be not redressed, upon any seasonable opportunity, when lawfully it may, they can blame none so much as themselves.

4. That the power of a popular state being unlimited in its owne nature, and being by free consent and wise [64] advise, brought into a methode, and so bounded in order only, not in power, it is more safe to be so continued and exercised (though with offence or perhaps damage to some particulars in some transient cases, the original power remaining still inviolate) than to be putt out of its settled course, upon every pretence, or occasion, of publick grievance; seeing every deviation in the very forme of any such government is allways attended with much trouble, and some danger.

Ans^r. If we examine the passages of the court, we shall see where the error was.

It is observable that the proper business of this court was matter of election, and it is also obvious, that it hath obtained, by custom, the first place in that day (except admission of freemen) and where it is objected, that in the court 1635, the petition in Mr. Endecotts case was heard and answered before election: It is not true: For I can shew by that which hath been faithfully kept of the passages of that court,⁷⁵ among other, that all petitions were rejected till the elections were passed; and many can remember that when that case was heard, Mr. Haynes sate governour, who had been elected that court.

It is objected againe, that the court might yet have heard the petition first, and seeing it was for the peoples libertye, why was it stopped? To this it may be answered, that it is
true,

⁷⁵ Our Records, i, 145-6, certainly confirm this. First, John Haynes, Esq was elected Governor, and took the oath; then the Lieutenant-Governor and Assistants were chosen and sworn; thirdly Mr. Ludlow was discharged from overseeing the fortifications at Castle Island, and then a committee was appointed to consider Mr. Endicott's act.

true, they might, if they had so pleased: But first they would not, and their refusall was lawfull upon these reasons.

1. It had been no point of wisdom to break order, without pressing necessity, or for some prevalent advantage, neither of which could the court then apprehend.

2. When the question was, whether petition or election should be first, none could give answer there but the court it-selfe, which was the whole bodye of freemen, (for none of the magistrates had any more influence in that court than any other freeman) so as here was no other way to knowe the minde of the court but by putting it to vote, and by numbering either side, to decide the question; this [65] was done, and the major part, being for election, it may truly be sayde, that the people or the court did order that election should proceed before the petition should be heard: And now let any wise man judge, who hath done the people wronge, or what restraint hath been putt upon their libertye. For if the people would have had the petition first heard, who could have judged it, or what exposition did any make against it, otherwise than is lawful for any freeman to doe, by shewing his dislike and giving reason for it?

If it be objected, that a great parte of the people did not consent: I answer, there was not one freeman there but his consent was to it: for there is an inseparable incident to all bodyes politick, which are composed of voluntary members, that every one (in his admission) gives an implicate consent to whatever the maior parte shall establish, not being against religion or the weale publick, and this they are further bound unto with by their oathe: yea if the oath be disputable, yet their consent is in it, till it be cleared, and the error of the maior part convinced by plain arguments: otherwise no such societie would long subsist: neither could peace be at all preserved in it; for it is hardly possible, to establish any thinge, (except of indifferent nature) that shall please every man: and if one or more in any societie may bee at libertye, when the rest are restrayned, it can neither be equal nor safe.

3. It had been meere injustice, for the people then assembled to have concluded any publick businesse by popular vote. The reason is apparent. Because those towns, which by lawful order, upon publick considerations, sent their proxies for elections, and their deputies for other affaires, had been iniuriously surprized, and deprived of their due interest to discern of those things, which did no less concerne them than the rest who were present. And upon this ground, whatsoever the freemen then present had concluded had been meere void and no man bound to submit to it: for, besides the manifest iniurye to such as had been so unduly kept away, it might have fallen out, [66] that beinge present, they might have given such reasons as might have altered the judgment of the rest of the court.

If the petition had contained any matter of grievance which had necessarily required the helpe of the people to redresse it (as in some cases it may fall out), yet why this might not as well have been done after the elections as before doth not appeare: for the people must have staid as long tyme, for dispatch of bothe, which soever had first been handled, petitions or elections: And if they had unadvisedly elected any unworthy person, they might soone have removed him: and the just disgrace upon such an one had more than recompensed the short tyme it would have required.

5. So the generall court at Boston, in the 3. m. 1634, when the people established a reformation of such things as they judged to be amiss in the government, they then settled an order,⁷⁶ that in the court of Elections they should leave their deputies to manage all other affaires.

6.

⁷⁶ This order was as follows. It was ordered, that it shall be lawful for the freemen of every plantation to choose two or three of each town before every General Court, to confer of and prepare such public business as by them shall be thought fit to consider of at the next General Court, and that such persons as shall be hereafter deputed by the freemen of the several plantations, to deal in their behalf in the public affairs of the commonwealth, shall have the full power and voices of all the said freemen, derived to them for the making and establishing of

6. It is very difficult and dangerous for so great a people and of so different apprehensions, to give judgment in a cause of right or wrong, being suddainly discovered to them; and if we should growe to such a multitude as (through Gods blessing) we may soone be, it will be impossible it should be well carried.

7. It is easye to judge, that 30 or 40 distinct men, chosen out of all the countrey, and by all reason as free from partialitye or prejudice as any other, may give a more just sentence in any such cause upon deliberation and quiet discourse) than a whole multitude upon the suddaine, when many may be thought not to heare what is proposed, and others not to understand it, and perchance the greater part in a heate and tumult, and when the weakest and worst member of the common-wealth adds as much weight to the sentence as the most godly and judicious.

8. The people (in the said court 1634) having (by serious advice of such as they best knew, and that seemed to be much lovers of their libertye) given power to their deputyes, for future tyme, to doe whatsoever themselves [67] might (save in matters of elections), order requires they should first referre the redresse of their grievances to their deputyes, and the people not to entermeddle, except the deputyes should first sayle, and that apparently and previously: which is seldom like to fall out in a popular state, where nothing but force can deprive them of their libertye, except they shall wittinglye and willinglye give them away, and then *volunt non fit injuria*, a man cannot blame another for the harme he does to himselfe.

A

laws, granting of lands, &c. and to deal in all other affairs of the commonwealth wherein the freemen have to do, the matter of election of magistrates and other officers only excepted, wherein every freeman is to give his own voice."—*Mass. Records* i, 118.

The same Records, i, 188, show that an order of the court had authorized the freemen to send in written votes for magistrates.

A Defence of an Order⁷⁷ of Court made in the Year 1637.

A Declaration of the Intent and Equitye of the Order made at the last Court, to this effect, that none should be received to inhabit within the jurisdiction but such as should be allowed by some of the Magistrates.⁷⁸

FOR clearing of such scruples as have arisen about this order, it is to be considered, first, what is the essentiall forme of a common weale or body politic such as this is, which I conceive to be this—The consent of a certaine companie of people, to cohabite together, under one government for their mutual safety and welfare.

In this description all these things doe concur to the well being of such a body, 1 Persons, 2 Place, 3 Consent, 4 Government or Order, 5 Wellfare.

It is clearly agreed, by all, that the care of safety and wellfare was the original cause or occasion of common weales and of many families subjecting themselves to rulers and laws ;
for

⁷⁷ This order (see *Mass. Rec.* i, 196) was as follows : “ It is ordered that no town or person shall receive any stranger resorting hither with intent to reside in this jurisdiction, nor shall allow any lot or habitation to any, or entertain any such above three weeks, except such person shall have allowance under the hands of some one of the council, or of two other of the magistrates, upon pain that every town that shall give or sell any lot or habitation to any such, not so allowed, shall forfeit £100 for every offence ; and every person receiving any such, for longer time than is here expressed (or than shall be allowed in some especial cases, as before, or in case of entertainment of friends resorting from some other parts of this country for a convenient time) shall forfeit for every offence £40 ; and for every month after such person shall there continue £20 : provided, that if any inhabitant shall not consent to the entertainment of any such person, and shall give notice thereof to any of the magistrates within one month after, such inhabitant shall not be liable to any part of this penalty. This order to continue till the end of the next Court of Elections, and no longer, except it be then confirmed.”

⁷⁸ The Defence and the Replication are undoubtedly the Performances of Mr. Winthrop. The Answer is by Mr. Vane, afterwards Sir H. Vane. I leave the Reader to judge who had the best cause and who best defended it. See *Majs. Hist.* vol. i. p. 62. H

for no man hath lawful power over another, but by birth or consent, so likewise, by the law of proprietye, no man can have just interest in that which belongeth to another, without his consent.

[68] From these premises will arise these conclusions.

1. No common weale can be founded but by free consent.

2. The persons so incorporating have a public and relative interest each in other, and in the place of their co-habitation and goods, and laws &c. and in all the means of their welfare so as none other can claime priviledge with them but by free consent.

3. The nature of such an incorporation ties every member thereof to seeke out and entertaine all means that may conduce to the welfare of the bodye, and to keepe off whatsoever doth appeare to tend to their damage.

4. The welfare of the whole is to be put to apparent hazard for the advantage of any particular members.

From these conclusions I thus reason.

1. If we heere be a corporation established by free consent, if the place of our co-habitation be our owne, then no man hath right to come into us &c without our consent.

2. If no man hath right to our lands, our government priviledges &c, but by our consent, then it is reason we should take notice of before we conferre any such upon them.

3. If we are bound to keepe off whatsoever appears to tend to our ruine or damage, then we may lawfully refuse to receive such whose dispositions suite not with ours and whose society (we know) will be hurtfull to us, and therefore it is lawfull to take knowledge of all men before we receive them.

4. The churches take liberty (as lawfully they may) to receive or reject at their discretion ; yea particular towns make orders to the like effect ; why then should the common weale be denied the like liberty, and the whole more restrained than any parte ?

5. If it be sinne in us to deny some men place &c amongst us

us, then it is because of some right they have to this place &c for to deny a man that which he hath no right unto, is neither sinne nor injury.

6. If strangers have right to our houses or lands &c, then it is either of justice or of mercye; if of justice let them plead it, and we shall know what to answer: but if [69] it be only in way of mercye, or by the rule of hospitality &c, then I answer 1st a man is not a fit object of mercye except he be in miserie. 2d. We are not bound to exercise mercye to others to the ruine of ourselves. 3d. There are few that stand in neede of mercye at their first coming hither. As for hospitality, that rule doth not bind further than for some present occasion, not for continual residence.

7. A family is a little common wealth, and a common wealth is a greater family. Now as a family is not bound to entertaine all comers, no not every good man (otherwise than by way of hospitality) no more is a common wealth.

8. It is a generall received rule, *turpius ejicitur quam non admittitur hospes*, it is worse to receive a man whom we must cast out againe, than to denye him admittance.

9. The rule of the Apostle, John 2. 10. is, that such as come and bring not the true doctrine with them should not be received to house, and by the same reason not into the common weale.

10. Seeing it must be granted that there may come such persons (suppose Jesuits &c) which by consent of all ought to be rejected, it will follow that by this law (being only for notice to be taken of all that come to us, without which we cannot avoyd such as indeed are to be kept out) is no other but just and needfull, and if any should be rejected that ought to be received, that is not to be imputed to the law, but to those who are trusted with the execution of it. And herein is to be considered, what the intent of the law is, and by consequence, by what rule they are to walke, who are trusted with the keeping of it. The intent of the law is to preserve the wellfare of the body; and for this ende to have

none received into any fellowship with it who are likely to disturbe the same, and this intent (I am sure) is lawful and good. Now then, if such to whom the keeping of this law is committed, be perswaded in their judgments that such a man is likely to disturbe and hinder the publick weale, but some others who are not in the same trust, judge otherwise, yet they are to [70] follow their owne judgments, rather than the judgments of others who are not alike interested: As in tryall of an offender by jury; the twelve men are satisfied in their consciences, upon the evidence given, that the party deserves death: but there are 20 or 40 standers by, who conceive otherwise, yet is the jury bound to condemn him according to their owne consciences, and not to acquit him upon the different opinion of other men, except their reasons can convince them of the error of their consciences, and this is according to the rule of the Apostle. Rom. 14. 5. Let every man be fully perswaded in his own mynde.

If it be objected, that some prophane persons are received and others who are religious are rejected, I answer 1st, It is not knowne that any such thinge has as yet fallen out. 2. Such a practice may be justifiable as the case may be, for younger persons (even prophane ones) may be of lesse danger to the common weale (and to the churches also) than some older persons, though professors of religion: for our Saviour Christ when he conversed with publicans &c. sayeth that such were nearer the Kingdom of heaven than the religious pharisees, and one that is of large parts and confirmed in some erroneous way, is likely to doe more harme to church and common weale, and is of lesse hope to be reclaymed, than 10 prophane persons, who have not yet become hardened, in the contempt of the meanes of grace.

Lastly, whereas it is objected that by this law, we reject good christians and so consequently Christ himselfe: I answer 1st. It is not knowne that any christian man hath been rejected. 2 a man that is a true christian, may be denyed residence among us, in some cases, without rejecting Christ, as ad-
mitt

mitt a true christian should come over, and should maintain community of goods, or that magistrates ought not to punish the breakers of the first table, or the members of churches for criminal offences: or that no man were bound to be subject to those lawes or magistrates to which they should not give an explicite consent, &c. I hope no man will say, that not to receive such an one were to reject Christ; for such opinions (though being [71] maintained in simple ignorance, they might stand with a state of grace yet) they may be so dangerous to the publick weale in many respects, as it would be our sinne and unfaithfullness to receive such among us, except it were for tryall of their reformation. I would demand then in the case in question (for it is bootlesse curiosity to reframe openesse in things publick) whereas it is sayd that this law was made of purpose to keepe away such as are of Mr. Wheelwright his judgment (admitt it were so which yet I cannot confesse) where is the evill of it? If we conceive and finde by fadd experience that his opinions are such, as by his own profession cannot stand with externall peace, may we not provide for our peace, by keeping of such as would strengthen him and infect others with such dangerous tenets? and if we finde his opinions such as will cause divisions, and make people looke at their magistrates, ministers and brethren as enemies to Christ and Antichrists &c, is it not sinne and unfaithfullness in us, to receive more of those opinions, which we already finde the evill fruite of: Nay, why doe not those who now complayne joyne with us in keeping out of such, as well as formerly they did in expelling Mr Williams for the like, though lesse dangerous? Where this change of their judgments should arise I leave them to themselves to examine, and I earnestly entreat them so to doe, and for this law let the equally mynded judge, what evill they finde in it, or in the practice of those who are betrusted with the execution of it.

A Brief Answer to a certain Declaration, made to the intent and equitye of the Order of Court, that none should be received to inhabite within this jurisdiction, but such as should be allowed by some of the magistrates.

THE scope of the declaration is to defend and justifie the order in question, to which purpose these four things are layde down.

[72] 1. A ground worke to upholde such reasons as are produced in the cause.

2. The reasons themselves, whereby the order is defended.

3. Objections are made and answered as would seeme.

4. The conclusion of the whole discourse.

For the ground worke which is layde in the first place ; it consists partly of a description of a common wealth, which in some sort is explicated, and partly of diverse conclusions arising from such description and explication.

The description which is sett down in effect is this. A common wealth is a certaine companie of people consenting to cohabit together under one government, for their mutual safetie and wellfare. In which description this maine faulte is founde. At the best it is but a description of a common wealth at large, and not of such a common wealth as this (as is said) which is not only christian, but dependant upon the grante also of our Souveraigne : for so are the expresse words of that order of Court to which the whole countrey was required to subscribe.

Now if you will define a christian common-wealth there must
 Prov. 8. 5 be put in, such a consent as is according to God : a
 Isai. 6. 7 subjecting to such a government as is according
 unto Christ. And if you will define a corporation,
 incorporated by vertue of the grante of our Souveraigne, it
 must be such a consent as the grante requires and permitts and
 in that manner and forme as it prescribes, or else it will be
 defective

defective. The common-wealth here described, may be a companye of Turkish pirates as well as Christian professors, unlesse the consent and government be better limited than it is in this definition ; for sure it is, all Pagans and Infidels, even the Indians here amongst us, may come within this compasse. And is this such a body politicke as ours, as you say? God forbid. Our common wealth we feare would be twice miserable, if Christ and the King should be shut out so. Reasons taken from the nature of a common-wealth, not founded upon Christ, nor by his Majestyes charters, must needs fall to [73] the ground, and faile those that relye upon them. In the application of the description, and the conclusions inferred, all things are not currant, all things doe not agree concerning the causes of common-wealths as is affirmed. There are 7 several opinions of this matter, which writers speak of, though this be not so material. Members of a common wealth may not seeke out all meanes that may conduce to the wellfare of the body, but all lawful and due meanes, according to the charter they hold by, either from God or the King, or from both : Nor may they keepe out whatsoever doth appeare to tend to their damage (for many things appeare which are not) but such, as upon right and evident grounds, doe so appeare, and are so in truth. Thus farre concerning that which hath bene touched may for the present suffice.

The second thinge is the reasons, which we shall sett down and answer.

The first reason of the equity of the order is this, “ If we be a corporation established by free consent, if the place of our habitation be our owne, then no man hath right to come unto us without our consent.”

Ans. We do not know how we that stand a corporation, by vertue of the King's charter, can thus argue ; yet to avoyd dispute, suppose the antecedent should be granted, the consequence does not follow. This is all that can be inferred, that our consent, regulated by the worde and suitable to our patent,

patent, ought to be required, not this vast and illimited consent here spoken of, our consent is not our owne when rightly limited, 1 *Cor.* 6. 19. 20. An unlawful dissent can hinder no man, though a lawful may.

The second reason runs thus, "If no man hath right to our lands, our government priviledges, &c. but by our consent, then it is reason we should take notice of men before we conferre any such upon them."

Ans. Besydes the doubtfulness of the truth of the supposition, the question here is changed; for so most states doe in takeing the names of such as come to dwell among them, but the question is whether the admitting or [74] rejecting of persons should depend upon such unlimited and unsafe a rule, as the will and discretion of men, suppose magistrates or others not regulated.

The 3d reason is thus framed, "If we are bound to keepe off whatever appeares to tende to our ruine and damage, then we may lawfully refuse to receive such whose dispositions suite not with ours, and whose societie we know will be hurtfull unto us, and therefore it is lawful to take knowledge of men before we doe receive them."

Answ. This kinde of reasoning is very confused and fallacious, for the question here is not only changed, but there is this further deceite of wrapping up many questions in one, and besides if it were put into a right forme, the assumption would be false.

The question is not, as was said before, whether Knowledge may not be taken of men, before they be received, nor whether magistrates may refuse such as suite not with their dispositions, or such whose society they know will be hurtful to them; though the second of these is not nor cannot be proved; but whether persons may be rejected, or admitted, upon the illimited consent or dissent of magistrates. The assumption also would be false, for men are not to keepe off whatever appeares to tend to their ruine, but what really doth so; Elijah appeared to Ahab, and, no doubt, to his counsell of
state,

state, a troubler of the common-wealth, one that brought 3 yeares famine, enough to ruine the whole state : Yet the Jewish magistrates ought not to have rejected him and all those of his frame and judgment, because thus it appeared ; for in truth Elijah was the horsemen of Israel and the chariots thereof. It appeared also to the chiefe priests and pharisees, that if our blessed Saviour were let alone, it would tend to their ruine, *John* 11. 47. 48. and therefore used meanes to keep it off by rejecting Christ and his gospel, and yet we hope you will not say they were bound to doe so. Lastly, it appears to the Natives heere (who by your definition are compleat common-wealths among themselves) that the [75] cohabitation of the English with them tends to their utter ruine, yet we believe you will not say they may lawfully keepe us out upon that ground, for our cohabitation with them may tend to their conversion and so to their eternal salvation, and then they should doe most desperately and sinfully. Let us then doe unto our brethren at least as we would desire to be done unto by Barbarians, which is not to be rejected, because we do not suite with the disposition of their Sechem, nor because, by our coming, God takes them away and troubles them, and so, to their appearance, we ruine them.

The 4th argument stands thus : “ The churches take libertye (as lawfully they may) to receive or rejecte at their discretion ; yea particular townes make orders to such effect, why then should the commonwealth be denied the like libertye, and the whole more restrained than any part ? ”

Ans^r. Though the question be here concluded, yet it is farre from being soundly proved, yea, in trueth, we much wonder that any member of a church should be ignorant of the falseness of the ground worke upon which this conclusion is built ; for should churches have this power, as you say they have, to receive or reject at their discretion, they would quickly grow corrupt enough. Churches have no libertye to receive or rejecte, at their discretions, but at the discretion of Christ, whatsoever is done in word or deed, in church or commonwealth,

commonwealth, must be done in the name of the Lord Jesus (*Coll.* 3. 17.) Neither hath church nor commonwealth any other than ministeriall power from Christ, (*Eph.* 5. 23.) who is the head of the church, and the prince of the kings of the earth. (*Rev.* 1. 5.) After that Cornelius and his companye had received the holy ghost, whereby the right which they had to the covenant was evidenced, it is not now left to the discretion of the church whether they would admitte them thereunto or not. But can any man forbid them water faith Peter, he commanded them to be baptized. (*Acts* 10. 47. 48.) There is the like reason of admission into churches; [76] when Christ opens a door to any, there is none may take libertie to shut them out. In one word, there is no libertie to be taken neither in church nor commonwealth but that which Christ gives and is according unto him. *Gal.* 5. 1.

The 5th reason produced is, "If it be sinne in us, to denie some men place amongst us, then it is because they have some right to our place."

Ans. The question is heere againe changed, for it is not whether some may be denyed, but whether any or all such as the magistrates illimited dissent shall rejecte. But besydes this, we say, that the King's Christian subjects have right by his majesties patent, to come over and plante in places not inhabited, for a double end, 1st. to enlarge his majesties dominions; 2dly, for the conversion of the Pagans. And since his majestie hath given them right for these ends, we may not denie them, unless they forfeite it, either by denieing the land which they inhabite to be an enlargement of his majesties dominions, or becoming such dissolute and prophane persons as rather doe harden the Indians than be a meanes of their conversion, for by so doing we shall exceed the limits of his majesties grante, and forfeite the priviledges, government and lands which we challenge to be our owne.

Moreover, we may not denie residence to any of his majesties subjects without just grounds, except we will doe injury both to the King and his subjects, who have adventured both
their

theire estates and lives to enjoye those priviledges and libertyes, which he hath granted them. Besydes the law doth not only prohibite those whom the magistrates shall dislike to plante in those places uninhabited, though in an orderly manner, but to make their abode in friends houses, either given or sold, or hyred, which are lawful meanes of obtaineing right. Now if the kings majestie give me right, if title be procured by donation, purchase, farmeing, &c. If now this state at their pleasure take this away and expell men from the same, what were this but to exercise robbery, and to vex the poore [77] and the needy, and oppresse the stranger wrongfully, a sinne forerunning desolation, (*Ezek. 22. 29.*) and such an one as will more ruine the state by the execution thereof, than those persons (whom the law intend to expell) were the law abolished.

The 6th reason assigned is this, "If strangers have right to our houses or lands, &c. then it is either of justice or mercy," &c.

Ans. The question still is changed, but in answer to this we say, such may the stranger be as have true right of cohabitation, and sojourning with us, as hath beene shewed, and that of justice, by his majesties pattend, for they are fellow subjects to one and the same prince, they are also of the same nation, and if they be christians they are in a farre nearer relation than all these, even fellow brethren, and coheires of all the blessings layd up for them in Christ Jesus, and in all these considerations have right of cohabitation and residence with us.

The 7th reason is this, "A familye is a little common-wealth and a common-wealth is a great familye, now a familye is not bound to entertaine all comers, no not every good man, otherwise than by way of hospitalitye, no more is a common-wealth."

Ans. Here againe the question is much changed, it should not have been proved that we are not bound to receive all comers nor all good men, but rather no comers at all, unlesse

it be upon the unlimited consent of the magistrates. Although it be true, that there is some proportion betweene a familie and a common-wealth, yet there is a great disparitye in this matter. A maister of a familie hath another kinde of right to his house and estate than this common-wealth hath to all the houses and lands within this patent. The maister of a familie may bequeath his whole estate to his wife and children, and so may not the body of this common-wealth to theires. The king will looke for some right, nor may we blame him, if he doe. Many are no members of the common-wealth, and yet have good right both to houses and lands here, many members of this state agree not to this law, but have [78] protested against it as sinnfull and unwholesome, and yet we hope the rest have not as good right to their houses goods and lands as the maister of the familie hath to his. If the state should take upon them such a right, I pray you consider whether it would not prove a greater wronge, even like to that of Labans toward Jacob, who told him that all were his, *Gen.* 31. 43. It is to be feared such pleas of right will worke more trouble to this state, if they be noysed abroad, than the entertainment of those people against whom this law is made.

Eightly it is thus reasoned, “It is a generall rule, *turpius ejicitur quam non admittitur hospes*, it is worse to receive a man whom we must cast out, than to deny him admittance.”

Answ. Let any man resolve these words, and they will be farre from proveing the equitye, though they may perhaps the intent of the courts order. The thinge which from hence is concluded will only amount to this. That it is worse for a common-wealth to receive a man whom they must cast out againe, than to deny him admittance. The reason is taken from humane authoritye, but what is this to the pointe in controverfye, why should men thus argue, and their conclusions so farre from the marke, yet as we said perhaps this may shew the courts intent, for this intimation we have from hence, That the intent of the common-wealth is to cast out
all

all such as have been received in tymes past, who are of the same judgement with them, whom the magistrates will not admitt but cast out, though with a greate deale more dishonestye, for *turpius ejicitur*, &c. which if it must be, the Lords will be done.⁷⁹

Ninthly, it is thus further argued, "The rule of the Apostle, *John* 2. 10. is, that such as come and bring not the true doctrine with them should not be received to house, and by the same reason not into the com.wealth."

The question is still wonderfully changed, for if the order now in question were but conformable to this rule of the Apostle none would oppose it, but the order is [79] therefore scrupelled, because it setts downe no rule for the magistrates to walke by in that admittance or rejection of such as come, but leeves it to their illimited consent or dissent, nay such were the expressions of the same, in the court, who had a hand in this law, as cleares it to us that this law opposeth directly this rule; for such as doe bring the doctrine intended in the text, are the persons which are aymed at to be denied residence, as sad experience also in the execution hath given us in parte to see already, and wee feare in the future will yet doe more.

The 10th and last reason is this in effect, "Such may not come into the land as by the consent of all are to be rejected, and therefore it is lawful to take notice of them."

We much marvaile that it should be so often said, the law is only for takeing notice, is it not plaine that such are to be fined who receive them whom the magistrates allow not? and cannot notice be taken of men without such a course as this? Why should any in higher place speake in open court—Let us have their money first?—What meanes the words immediately following which speake of rejecting and keeping out

⁷⁹ Mr. Vane's adherents were afterwards banished. See *Mas. Hist.* Vol. p. 75. H.

out by vertue of this order, if it were only made to take notice of such? It would have done very well to have kept to the question, and not argue so farre distant from the purpose as this doth. What if some come into the land and are to be rejected, are any therefor to be rejected in an undue and sinfull way? In the enlargement of this reason the law is excused, if it be not rightly executed, and they which are to execute it are likewise defended, if they follow their judgements and consciences. The law is excused because it hath a good intent, but good intents do not make a law or action good, what was intended the execution doth declare. Now is it sufficient for those who are betruſted with the execution of this law to follow their perſwaſions, judgements, and consciences, except they be rightly ruled by the word of trueth! *Paul* was perſwaded that he ſhould doe thoſe things which he did againſt *Jefus of Nazareth*, *Acts* 26. 9. They which kill Gods children may thinke they doe God good ſervice, [80] *John* 16. 1. but in ſo doing, neither the one nor the other are to be excused. It is not a full perſwaſion that makes a thinge lawfull from the rule *Rom.* 14. 5. but a full perſwaſion upon good grounds. All the actions of christians muſt be according to the rule *Chriſt* gives them to walke by. *Gal.* 6. 6.

Object. 1. Some prophane persons are received, and others who are religious are rejected. To which you answer there is no such thing knowne to be done, and if it were it might be justified, because prophane persons may be lesse dangerous, than such as are religious, of large parts, confirmed in some erroneous way, our Saviour conversed with publicans, &c. and sayd they were nearer the kingdom of heaven than religious pharisees. This is the summe. As for the objection which is made, it is your owne; for any thing we know, we would not object in this manner. It is not the refusing of some religious persons against which we except, but against the libertye which is given by this law of rejecting those, that are truly and particularly religious, if the magistrates doe not like them,

them, which is already put in practice, as farre as may be judged. If you deny any thing to be done, there are divers witnesses will affirm the contrarye. If you say it be more dangerous to accept such than prophane persons you need not much confutation, such shall be blessings wheresoever they come, *Gen.* 12. 2. they will not need to be bound to the peace or good behaviour, as some that are admitted by authoritye by their blasphemous and quarrelling speeches. As for scribes and pharisees wee will not pleade for them, let them doe it who walke in their way; nor for such as are confirmed in any way of error, though all such are not to be denyed cohabitation, but are to be pitied and reformed, *Jude* 22, 23. Ishmael shall dwell in the presence of his brethren, *Gen.* 16. 12.

Object. 2. It is objected that by this law we reject good christians and so consequently Christ himselfe, and it is made of purpose to keepe away such as are of Mr. Wheelwright's judgment.

To the former parte of this objection [81] you say, it is not knowne that any christian man hath been rejected, and that christians in some cases may be rejected, holding some pernicious errors. This is the substance.

To which we answer that diverse christians have been already rejected so farre, as they are not allowed to make any abode amongst us, but for a short limited tyme, and by the law they may be rejected for ever. All the tyme such are rejected Christ is rejected, *Luke* 10. 16. *Acts* 9. 4. Suppose some christians may be refused and Christ not refused (which is not yet proved) that is nothing to the law nor to the present execution of it. If you deale with such make it appear. To the latter parte of this objection you answer, that you cannot confesse that it is made against them of Mr. Wheelwrights judgment, and if it were, where is the evil of it, seeing that the opinions are such as he professeth cannot stand with external peace, and will cause divisions, and will make the people looke at their magistrates, ministers and brethren, as enemies

myes to Christ and antichristian, more dangerous than the opinion of Mr. Williams? We omitt divers words for brevities sake and change not the matter. To this we replye, that though you cannot confesse it, yet it doth appeare by your examinations of them you refuse, for present demanding of them whether they know him, and wishing of them to disclaime his doctrine, and excepting against them because they are allyed to them of the same judgment, as likewise by the courts proceeding against him, that there is some such thing; though indeed we would not make this objection, though some of the like kinde.

Now whereas you grante this by way of concession, and give reasons to justifie the same, they are either weak or greater mistakes. First you finde fault with his opinions, because he said they could not stand with externall peace. He affirmed indeed that the preaching of the gospell could not stand with externall peace, and doth not the word of God hold this forth? Our Saviour came not to send peace but a sword, *Matth.* 10. 34. That chapter speakes fully to the purpose, and when news of Christ comes, Herod [82] and all Jerusalem is troubled, *Matth.* 2. 3. Paul and Silas were accused for turning the world upside downe, *Acts* 17. 5. We question not but he will grante that the Lord can and doth sometymes give his church rest, *Acts* 9. 31. but this will not stand nor continue, which we know to be his meaneinge. A man cannot be Christ's disciple but he must meete with crosses, *Matth.* 16. 24. Esau and Jacob wrestled together in their mothers wombe, *Gen.* 25. 22. In the 2d place you except against his opinions, because they make devisions. The gospell which he or any man holds forth will cause devisions by accident, *Matth.* 10. 34. 35. If he be blamed for this, Christ cannot be excused. The 3d thing you alledge is that his opinions make people looke at their magistrates, ministers and brethren as antichristians, enemies to Christ, but we know no such doctrine which he taught, all which he delivered concerning
this

this matter, was a description of the way of workes and anti-christianisme, and so farre as magistrates and ministers walke in that way they are to be looked at as antichristian. *John* 4. 1, 2, 3. Lastly, it is said that his opinions are more dangerous than those of Mr. Williams which, if it be true, then is the doctrine of the gospell more dangerous than that for which Mr. Williams was banished; for as yet we know nothing which Mr. Wheelwright helde dissonant from the gospell, neither hath he beene confuted, though condemned, and it is not our judgments so much as the cause which is changed.

These objections and answers being viewed, and what is unsound refuted, we come to the conclusion, wherein we are desired to judge what evill we finde in the law, and this we will doe faithfully by the helpe of Christ. This law we judge to be most wicked and sinnefull, and that for these reasons.

1. Because this law doth leave these weightye matters of the common-wealth, of receiving or rejecting such as come over to the approbation of magistrates, and suspends these things upon the judgment of man, whereas the judgment is Gods, *Deut.* 1. 17. This is made a ground worke of grosse popery. Priests and magistrates are to judge, but [83] it must be according to the law of God, *Deut.* 17. 9, 10, 11. That law which gives that without limitation to man, which is proper to God, cannot be just.

2. Because here is libertye given by this law to expell and reject those which are most eminent christians, if they suite not with the disposition of the magistrates, whereby it will come to passe, that Christ and his members will finde worse entertainment amongst us than the Israelites did amongst the Egyptians and Babilonians, than Abraham and Isaack did amongst the Philistines, than Jacob amongst the Shechemites, yea even than Lott amongst the Sodomites. These all gave leave to Gods people, to sit downe amongst them, though they could not clayme such right as the Kings subjects may. Now that law, the execution whereof may make us more
cruell

cruell and tyranicall over Gods children than Pagans, yea than Sodomites, must needs be most wicked and sinfull.

3. This law doth crosse many lawes of Christ, Christ would have us render unto Cæsar the things that are Cæsars, *Math.* 22. 21. But this law will not give unto the Kings majesty his right of planting some of his subjects amongst us, except they please them, Christ bids us not to forget to entertaine strangers, *Heb.* 13. 2. But here by this law we must not entertaine, for any continuance of time, such stranger as the magistrates like not, though they be never so gracious, allowed by both God and good men, except we will forfeite unto them our whole estates, it may be and much more than our estates comes unto. Christ commands us to do good unto all, but especially to them of the household of faith. Many other lawes there are of Christ, which this law dasheth against, and therefore is most wicked and sinfull.

[84] A Reply to an Answer made to a Declaration of the Intent and Equity of the Order made at the Court in May last, whereby none are to be received &c. but by allowance of the Magistrates.⁸⁰

Contentions among brethren are sad spectacles, among the churches of Christ, especially when they come once to favour of bitternesse, which would have discouraged me from publishing the former declaration, if I could have expected such an answer: And in that respect I should willingly have sitten downe under my reproach, if the cause of truth and justice had not called me againe to this taske; wherein, if I deale more sharply, than myne owne disposition leads me, the blame must fall upon him, who puts such occasions upon me, as I cannot otherwise shunne.

Many

⁸⁰ This Court was held at Newtown, now Cambridge, in May 1637. H.

Many faults doth the Answerer find in my declaration, which I must examine as they come in order. The "1st is, " that in describing a common wealth (such as ours is) I do " not describe it, as it is christian, nor as it is founded upon " the grant of our King."

To this I replye 1st, the definition or description of the genus may be applyed to all the species, reserving the specificall differences: To define a man to be a reasonable creature is a true definition of any man, whether rich or poor, christian or heathen: and when I describe a common wealth in general or in a more civil or politicke respect, the churches or christians which are in it, fall not into consideration, as to the being of it, for it may be a true body politicke, though there be neither church nor christian in it.

The like may be sayd for the forme of government, whether it be by patent or otherwise yet it is a government, and so the description is safe and true.

2d. The description which I make doth include all that which he doth complaine to be wanting. The words [85] are these. A company of people, consenting to cohabite under one government, for their mutual safety and welfare. Now let ours be layd to this description and the truth will appeare. We A. B. C. &c. consented to cohabite in the Massachusetts, and under the government set up among us by his Majesty's patent or grant for our mutual safety and welfare, we agreed to walke according to the rules of the gospell. And thus you have both a christian common weale and the same founded upon the patent, and both included within my description.

I will adde only what I conceive from this and other like passages in his answer, viz. that he makes this exception rather to shelter himself under pretence of his tenderneſs of the kings honour and right, than out of any ignorance of the true latitude of my description; and withall he discovers how little he regardeth what jealousyes he put us under, so he may shelter his own parties. The Lord give him to see his secret underminings, that it may be forgiven him. Having thus

faulted my description, he taketh upon him to teach me a better ; and for this he refers me, by a marginal quotation to *Proverb* 8. 5. the text is this, Oh ye simple understand wisdom and ye fools be ye of an understanding heart ; and to *Isai.* 6. 7. And he layd it upon my mouth and sayd loe this hath touched thy lipps &c. How these places will prove his description of a christian common wealth, founded upon the kings patent is beyond my reach, but it suits well with a practise now in use, to speak nothing but what they bring scripture for ; so scripture be alledged it matters not how impertinent they be.

As for your description it self, I have no more to say against it, but that it was not requisite, to that which I projected, to expresse those particulars ; and our lawyers will tell you that *expressio eorum quæ tacite insunt nihil operatur* : My intent was to prove the proprietye and priviledges of a common weale which may also belong to such government among Turkes and Pagans, so far as they may fall within my description without any prejudice to the most christian government, that is, as if I speake of one [86] that is an honest man, and say that he goeth upright, speakes, laughs, &c. when a Turke or a Pagan doth the same.

His next exception is, that I say “ that such a body politic may use all meanes, which may conduce to their well-fare, and do not restrain it to lawful meanes.”

To this I reply, that it is according to scripture phrase, and our common speech. When we call upon a sicke man, to use meanes for his recoverye, we are well enough understood, though we put not the word lawful : I may do all things, saith Paul, and give all diligence saith Peter, without expressing lawful, which the Answerer would have understood well enough, if he had not beene minded to seeke a knot in a rush ; only I see not why he should passe over those many things which he saith are questionable in my ground worke, and take up those which will afford so little advantage.

Then

Then he proceeds to examine the reasons which I layd downe to prove the equirie of this law.

The first reason is this, "If we be a corporation established by free consent, if the place of our habitation be our owne—then no man hath right to come in to us, without our consent."

To this he answers, that "he knoweth not how we who stand a corporation by the Kings patent can thus argue." To this I replye then. I will tell him, that which the King is pleased to bestow upon us, and we have accepted, is truly our owne.

2. He denyeth the consequence by a distinction of a consent regulated, and a vast and illimited consent.

Replye: To speake of consent in general, implyeth alwayes a consent fuitable to the power or interest of him who is to give it; as when we say, a child may not marrye without consent of parents, we know it is regulated, yet when a father pleads it, he doth not neede to expresse all the limitations.

Thus he runs on in a frivolous discourse, and in the end falls upon this false conclusion, "An unlawful dissent can hinder no man," So that if he need to borrow my [87] horse, and I ought by the rule of love to lend him to him, though I refuse to consent to his request herein, yet he may take him, because my dissent is unlawfull; so by this conclusion a wife, a childe, a servant may doe any thinge that is lawfull, though the husband, father, or maister deny their consent. If this speed well, the next conclusion will be an anarchie.

After this discourse I expected somewhat to have taken away the consequence of my argument, but I finde not a word to that purpose, he is suddainly fallen upon my second reason, which is this,

"If no man hath right to our land, &c., but by our consent, then it is reason we should take notice of men, before we conferre any such upon them."

This he partly grants, but complaines of the change of the question

question, to which I replye that I did not propound any reasons in a syllogisticall frame, but by way of discourse, and that which this argument tends unto was only to shew why some were not presently allowed, but a time taken, wherein we might gayne some nottice and tryall of them, and there was no need why the answerer should so often complaine of the change of the question; for if he takes my reasons together he cannot denye but the question itselfe is argued and concluded, as will appeare by the sequell, I will therefore passe by all that he strives about, upon this supposed fallacie, and joyne with him in the question, as he states it, viz.

Whether the admitting or rejecting of persons should depend upon the discretions of men, which he calls an unlimited and unsafe rule and their discretion not regulated, though they should be magistrates.

To this I replye, or rather answere, first, That which he takes for granted, and wherein lyes the whole strength of his defence is untrue, viz. That the magistrates will and discretion in our case is not regulated, for 1st, the magistrates are members of the churches here and, by that covenant, are regulated to direct all their wayes by the rule of the gospell, and if they faile in any thinge, they are subject to the churches correction. 2dly. As they are [88] freemen, they are regulated by oath, to direct their aymes to the wellfare of this civill body. 3dly. As they are magistrates, they are sworne to doe right to all, and regulated by their relation to the people, to seeke their wellfare in all things; so as here is no such irregular discretion as is supposed, and it seems to me an improper speech and favouring of contradiction; for discretion always implyes a rule for its guide. And herein I have occasion to take in his answere to my 4th reason drawne from the practice of our churches, and some towns where matters of admitting or rejecting are ordered by discretion. And here it is made a wonder that I shew so much ignorance. I must confesse my ignorance is greate, and I cannot hide it, being exposed so much as I am to publick view:

view: Yet that will not cover the answerers blindness, from prejudice in this greates wonder, which is such that he cannot discern the voyce and will of Christ dispensed in the discretion of his servants and people, and yet tells us not how it should be knowne otherwise. Did he never heare, that our practise is, that none are propounded to the congregation, except they be first allowed by the elders,⁸⁵ and is not this to admitt or reject by discretion? Did he never heare of a christian man rejected by the church, or put off at least, because a brother hath professed want of satisfaction? Hath he never heard that the dissent of some few brethren may, by rule, (as hath beene sayd) cause the rejection of a man, whom all the rest of the brethren shall approve of? And where is Christs voyce to be heard now, if he will have discretion shut out of the church. So says the instance of townes matters (which he wisely declines and gives no answer to) he well knowes that within the towne of Boston it is an established order, that none should be received into cohabitation there, except they be allowed by certain men appointed to judge of their fitness for church-fellowship. And so, whereas the way of God hath always beene to gather his churches out of the world; now, the world, or [89] civill state, must be raised out of the churches. And yet the answerer can finde nothing of wonder of ignorance here. And if he had enquired of our neighbours at Plymouth, they could have told him that their practise hath beene upon the like law, for many yeares, I mean in referring it to the discretion of the magistrates to receive and reject such as come to them. And if he had considered of a rule in the law of Moses, he should finde that there is power given to a husband or father to allow or make void any vow of a wife or childe at their discretion, yet I hope he will not call this a vast and unlimited rule.

But

⁸⁵ This must needs render the influence of the Clergy very great under the old Constitution. No body could be proposed to the Church for a member unless the Minister allowed it. No body could be admitted a Freeman unless he was a Member of the Church. H.

But because the word discretion seems so offensive and unsafe, let us trye it by the ballance of the sanctuaries, if we can finde it to hold weight there, sure it will prove a good measure for civill affaires.

The word in scripture is sometymes taken for sound reason, as Psal. 112. 5. He will order his affaires by discretion; so Pro. 11. 12. Sometymes for understanding, as Pro. 19. 11. Isai. 28. 26. Sometymes for skill, as Pro. 2. 11. Pro. 3. 21. Sometymes for judgment, Phill. 1. 9. And in all places in a good sence, for it is a gift of God wherein he dispenseth his own wisdom in all the affairs of men, both in church and commonwealth; all lawes are made by discretion, and the equitie of them is found out and applied to particular cases by discretion; by it (being guided by the spirit of God) the mynde and will of God is found out in his word, Acts 5. 8. and Acts 8. 23. Acts 15. 38. Acts 21. 23. Levit. 27. 8, 12. So for judgment in civil causes; by discretion did Solomon judge betweene the harlots. It is not possible to provide a law that in the letter of it shall reach every case which may fall out, as we see by the law of God it selfe in the same place of Levit. 27. 8. then it must rest in the discretion of the judge to discern, so doth the Lord himselfe appointe, Deut. 17. 8, 9. &c. they are to do as the judge shall determine, and that which he shall declare for law, that must they obey, otherwise there could be no determination in hard and doubtful cases. As for these scriptures which the Answerer alledgeth about Christ his souerainty, &c. [90] they are nothing to the question; for the prerogative authority of Christ in all affaires in church and commonwealth, doth not hinder the manner of his dispensations of the ministry of his servants, and in the improvement of such gifts of his, of wisdom, discretion, &c. as he is pleased to exercise his authority in, according to the rule of his word.

My 5th reason is, that it is no sinne or injury to deny a man that which he hath no right unto, therefore we may denye some men place amongst us. In the answer, there is againe

againē complainte of changing the question, because I go about to prove that some men may be rejected, which he seemeth to grant, and if so then that which he maketh the maine question will easily be cleared, for if we may reject some, then the care of this must be committed to some persons, for to speak of discerning Christ his authority in church or common wealth, otherwise than as it is dispensed in the ministry of men, is a meer idea or fantasie. If then it must be committed to some persons, to whom may it more properly than to the fathers of the common wealth? And if it cannot be foreseene who are to be received and who to be rejected, those persons must be trusted with the tryall of them, and if no certaine rule can be set downe which may be sufficient to discerne of every man, then must it be committed to their discretion, regulated by the word of God, and the dutye of their place, which they are bound to observe. And whereas the Answerer cryes out against this course as vast, illimited, sinfull and injurious, and yet will not (and cannot) prescribe us a better, neither in his answer, nor at the court when he opposed the makeing of this law, may we not safely judge that such opposition and those reproachful termes as are cast from it, upon an ordinance of God, in the faces of those whom he would have to be had in honor for his sake, proceed rather from distemper of minde, than from any just cause of offence?

Now here I might strike him with his owne weappon, for when he seekes to prove that any of the kings subjects, have right by our patent to come and plant in places [91] not inhabited, he changes the question indeed, for both the law and our dispute have beene about entertaining into houses and townes, and not into places not inhabited. That question may fall to be discussed upon some other occasion.

Againē (that we may take notice how his zeale for the cause outrunes his judgment) he gives to all the kings christian subjects a right to plant among us, by vertue of our patent, and such a right as by misusage whereof they may
forfeit

forfeit the patent, and here he might fitly have brought in his vast and illimited termes, had he not misplaced them, for hast, for there was never seene such a vast patent of incorporation as should comprehend all the kings christian subjects, which is as large as if he had said all his subjects.

But that others may see his errour, if he himselfe will not, let the patent be perused, and there it will be found, that the incorporation is made to certaine persons by name, and unto such as they shall associate to themselves, and all this tract of land is granted to them and their associates: And after this he gives leave to any of his subjects to depart out of his other dominions to this place: So then the case standeth thus, the 10 men of Boston allow a strainger to sit downe among them, yet this gives him no right to any mans house or land, nor to any lot in the towne, till it be granted him, nor to any privilege there till he be made free; we must have a new sort of reason to make this a good argument: the King gives a man leave to inhabite in the incorporate colony of the Massachusetts, *ergo*, he hath hereby right to the lands there. His discourse about the matter of general right by patent is so confused and irrational, as I should but waste tyme and paper to follow him in it, *valeat ut valere potest*. I finde nothing in it which may endainger my argument, except it be put out of countenance, by a false clamour of robbery, vexation, oppression, &c. as if the state here went about to take from men their lawful right and expell them from their houses, &c.

The 6th reason is this, if straingers have right to our houses, &c. then it is either of justice or of mercye, &c.

[92] The answerer, after his wonted prejudice of change of the question, undertakes to prove, "that some straingers have right in justice by the Kings patent," only he restraineth it to cohabitation and sojourning (which will conclude nothing for him, seeing this law doth not shutt out all straingers). The reasons he bringeth are three, the 1st, because

because they are fellow-subjects, 2dly, because they are of the same nation, 3dly, because they are christians.

To this I replye, that I have alreadye cleared this pointe in laying open the extent and meaneing of the patent, and this I may say further, that I have reade over all the lawes of England and all the general customes and privileges of the Kings subjects there, but I have not found any thinge that may give the least colour for such a priviledge as is pretended.

As for that of christianitye I have granted in my declaration that there is a right of hospitalite, but for other right of cohabitation or sojourning it must be considered in such special cases, as may fall out and cannot be provided for by general rule.

My 7th reason is drawne from the proportion or resemblance that a common-wealth hath to a familie, which is not bound to entertaine all comers, no not every good man, otherwise than by way of hospitalite.

The answerer (his complainte of changing the question premised) seekes to disprove the proportion, by "distinguishing between the right which the maister of a familie hath to his house, &c. and the right which this common wealth hath to all the houses, &c. within this paient." This he amplyfyes by particular instances. "1. in power of bequeathing them to his wife and children. 2. In regard of the King's right. 3. In respect of such as are no members, &c. and yet have right to their houses, &c. 4. In regard to such as have protested against this law."

To this I replye, that it is not needful they should hold proportion in all respects: It is sufficient if they hold in that which is intended, viz. libertye to receive or reject; which being knowne to all and confessed by the answerer, [93] in granting that some may be rejected, is sufficient to make good the argument drawne from this similitude: yet to make it more cleare, I replye to these instances.

To the first I say, that a bodye politicke may leave their houses, &c. to their succcessors, which are in the place of their children. 2. For the Kings right, that being paramount, hinders no more in a common-wealth than it doth in a familye, for he hath the same interest in the houses, &c. of the father of a familye. 3. For such as are no members they are as sojourners in a familye, who though they have right to be in the familye themselves, yet may not receive in any to reside in their particular chambers, without consent of the master of the familye. 4. For such as protested against this law, that protestation cometh too late (except they first convince us of the injustice of the law) seeing they formerly gave an implicate consent to all the wholesome lawes and orders of the body; neither need we feare to proclaime our right to our houses, &c. against all intruders, more than particular persons and corporations may do in England, notwithstanding his Majesties interest in them also. Such objections are not worth any answer.

In his answer to my 8th reason, viz. "*Turpius eijcitur quam non admittitur hospes*," he saith it is of humane authority, and that my conclusions are farr from the marke.

To this I replye, that though this sentence be humane, yet the equitye of it is strengthened by divine truths: It had been lesse grieve to Abraham not to have received Hagar to his bed then it was after to cast her out; and it was *turpius* for Tobija and his stuffe to be cast out of the temple, then it would if he had not been received in. Now that it may appear how farre my conclusion is from the marke, I will thus lay downe the argument. That law which shuts out such as being received in, shall be worthy to be cast out is honest and of good reporte, but this law doth so, *ergo*, &c.

The major proposition is proved by the examples of Hagar and Tobija, the minor I prove thus; the law provides to have such kept out as will disturbe the peace here, [94] rightly established by the rules of Gods word, *ergo*, &c.
except

except the argument may be avoyded, the conclusion will hitt the marke.

But the Answerer faith that, "1. Such ones as are intended to be kept out, are no disturbers of our peace. "2. That the law doth not declare who are to be kept out "and who not."

To these I replye first, for brevity's sake let the apologie and the remonstrance, with the coppie of the whole sermon (which himselfe delivered into the court) be compared and examined, and they shall decide the question, if you will stand to it.

To the second I replye, that yourselfe confesses who the law intended to keepe out; and though such a preamble as might have expressed the full intent, was (for want of time) omitted (which was indeed a defect) yet such as were of the court, and did well know, can make no such advantage of it, seeing the magistrates have other rules to guide them in the execution of it; and so it is warranted by scripture examples as that of our saviour Math. 16. 19. and 18. 18. whatsoever you binde on earth shall be bound in heaven &c. yet he doth not there tell them, who they ought to binde or loose.

The 9th argument is taken from that of the 2 John 10. Such as bring not the true doctrine are not to be received to house, and consequently not into the common wealth.

The Answerer (after his usual complainte of the change of the question) acknowledgeth, that if the order had been made against such it would not have been opposed; but affirmeth that it appears (by the same expressions in the court, and by the execution of the law in part) that this law is made to keepe out such as bring the true doctrine of the gospel, so that now he hath brought the question to this state, whether the opinions spread in the country, and opposed by the magistrates and elders, be the doctrines of the gospel or not, which seeing it is to be decyded by the synod assembled, it will be best to attend the issue thereof.

[95] In his answer to the 10th reason, he doth only
discourſe

discourse and finde fault with a conclusion which is of his own framing (for I do not conclude that the law was only for taking notice of such as come to us, but I add also the ende of such notice, viz. for avoyding such as are to be kept out (which being all included in one parentesis, it is more than a slip thus to mistake it.

And whereas he chargeth me, as if I grounded the law upon no better foundation than a good intent, the reader may easily judge that it is a meere slander: For I lay down the order of the law to be, that such should not be received into our fellowship who are likely to disturbe the same; and thence I inferre that this intent is lawfull and good.

The like cast he hath at the perswasion and conscience of such as are to execute this law: And here I must make bold to aske him this question, viz. Seeing you are bound by your oath in all causes wherein you are to give your vote for elections, &c. to goe according to your conscience, if then one be propounded to be chosen a magistrate, and you are perswaded in your conscience, by the best knowledge you can get of him, that he is not fitt for that place, whether are you to give your vote for him or not? When you have answered this question, I will replye further to you: And with all I defyre the answerer to take this along with him; that this law concerning the freemens oath, whereunto all the godly of this common-wealth consented, (and which refers the judgment of persons and churches in that cause to the conscience and perswasion of christian men) was never yet held to be a vast and illimited rule.

The Answerer proceeds to the objections, and least his arguments should not reach his ayme, he speakes to prejudice the readers judgment, by averring much unsoundnes, &c. beforehand, but I must intreate him to make a better discovery ere it be yeilded.

The 1st objection is, that some profane persons are received and others who are religious are rejected.

The

The answerer disclaymes this objection as none of theirs, which matters not greatly. I know from whome I heard [96] it, though he did not; yet he might as well owne it, as offer to prove that such as are truly and christianly religious have been rejected, except he will denye such to be religious: But I affirm still, as I did before, that I know of none such, who have been rejected, nor any such blasphemers or quarrellers (as he speakes of) to have been received.

In his answer to my solution of this objection, I only observe this, that whereas my argument is by way of comparifon “betweene a younge prophaine person and an elder “professor confirmed in some errour,” he gainefaith the comparifon by introduction of Abraham, who was a blessing to others; but alledgeth not any opposite member; but sure he was in a greate streight, otherwise he would not have held forth the father of the faithfull as such an one, as he must produce to answer my comparifon; but it well accords with his owne tenent, that he must have leave to advance his owne partie, whatever danger or damage befall others by it.

After this he takes upon him to prove, “that all such as “are confirmed in any way of errour, are not to be denied cohabitation, but are to be pittied and reformed, for this he alledgeth two places of scripture, Jude 22, 23. Gen. 16, 17.”

To this I replye 1st, Let it be observed how this answers my argument. I endeavoured to prove that some professors were to be denied cohabitation, rather than some prophaine, ones, for this reason, viz. because they may be more dangerous. His answer is, that all such as are confirmed in any way of errour are to be denied, &c. and omitts that wherein the weight of the argument lies, viz. their being dangerous to publick peace. 2dly, I denye that these scriptures prove his proposition, for that in Jude speakes nothinge of cohabitation, or confirmation in errour, nor speakes he to magistrates, or such as had power, to receive or reject, &c. and if he will bring that place to his purpose it will inferre this conclusion

conclusion, that no compassion is to be had of such as we may denye cohabitation unto. [97] As for that, Gen. 16. 12. it is as little to the purpose. Ismaell dwelt in the house of his brethren, but not among them: so, by our law, such as we hold not fitt to dwell among us are not denyed to dwell by us.

Another objection is, "that by this law we reject true christians, and so consequently Christ himselfe."

The solution of this objection is, that in some cases a man that is a true christian may be rejected or denyed residence, and yet Christ not rejected; for proof whereof I instance in diverse particulars, all which he passeth by, without any direct answer; but concludes, that is nothing to the law; which I must leave to the reader to judge of, seeing he brings neither reason nor scripture against it, to which I may replye.

After this he comes to the particular occasion of the law, and here he layes about him in earnest, and strikes all that come in his way, magistrates, elders, and all that doe walk in that way which Mr. Whelewright hath described to be a way of a covenant of workes, and holds them forth as Antichrists; and for proof hereof alledges that in 1 John 4. 1, 2, 3. where the Apostle, giving a rule to discover false spirits by, gives this as the marke, they confesse not that Jesus Christ came in the flesh, and such a spirit is of Antichrist. How this place proves his assertion I am not able to discern: Sure I am that such, as he casts under a covenant of workes, doe confesse that Christ is come in the flesh, but then I see that hereby he hath brought the cause, which he is so zealous for, into such a toyle as all the skill he hath cannot extricate, unlesse (as before) he will draw in Abraham into the same estate of antichristianism; seeing by that doctrine he walked in the same way of a covenant of workes, 14 yeares together, viz. while he kept Hagar, &c.

For his answer in defence of Mr. Whelewright his opinions,

I will make no replye, but waite the successe of the conference among the churches now assembled.

In the last place he bringeth diverse reasons to prove "that this law is most wicked and sinnefull."

[98] His 1st reason is, this law giveth that, without limitation, to men, which is proper to God; and so is a ground of grosse popery; for prooffe he cites Deut. 1. 17. and 17. 9, 10, 11.

To which I answer, that I have proved already that the magistrates are limited both by their church covenant and by their oath, and by the dutye of their places, to square all their proceedings by the rule of Gods word, for the advancement of the gospell and the weale publick; neither doth it crosse either of the places mentioned, for whatsoever sentence the magistrate gives, according to these limitations, the judgment is the Lords, though he do it not by any rule particularly prescribed by civill authority. As for that other place in Deut. 17. 9. it strengthens our law, and reflects sharply upon such as doe oppose it; for it streightly commands all persons to submitt to the sentence of the judge, and to receive the exposition of the law from his mouth; so as such gainesayers stand guilty of presumption in opposing the sentence of the judges, before they have clearly convinced them that their sentence is contrary to the law of God.

As for that aspersiō of popery, &c. it will draw no blood; his earnestnes in the cause makes him thus to cast dirt upon his opposers, when he hath spent his shot.

2. His 2d reason against this law is, that it gives libertye to the magistrates to expell and reject those who are most eminent christians, if they suite not with the magistrates disposition; and thence concludes that Christ and his members will finde worse entertainment among us than the Israelites did among the Egyptians and Babilonians, and Abraham and Isaack among the Philistines, than Lott among the Sodomites, &c.

To

To this I answer, 1. His earnestnes confounds his memorye; he knows well, that this law gives no power to expell any, neither doth it make the magistrates disposition the rule for rejecting any; but this slander hath beene confuted before. 2. For a brother in church covenant and a fellow member of such a civill body as ours, to conclude [99] so peremptorily of his fellow brethren, favours of much arrogance and desperate prejudice. If his charity can hope no better of us, but that we will deale worse with Gods people than the Pagans (and that before he hath seene any experience of it) it is no marvaile if he favour such as have ranked us with the same before; onely herein he deales fairely with us, in giving us tymely warning what to expect from the im-bittered mynd of such a brother; but for his argument if selfe thus it stands: The Egyptians, &c. gave leave to Gods people, to sett downe amongst them: But the magistrates will not give leave, &c. *ergo*, they are worse than the Egyptians, &c.

I answer, howsoever the magistrates cannot stopp his fury, yet we shall free the law from the force of his argument: For except he had assumed thus, the magistrates must or may &c. for it is nothing to the law, that they will doe so, seeing a magistrates will may transgresse a good law, and if they should doe so, yet I denye that it is by the liberty of the law, which I shall not need further to prove, seeing my denyall will bear as much weight as his affirmation.

3. His 3d reason is, this law doth crosse many lawes of Christ. This he proves by enumeration of 3 particulars, Matt. 22. 21. Heb. 13. 2. Gal. 6. 10.

To this I answer, and 1. to that of Matt. 22. 21. Give unto Cesar the things which are Cesars. The reason lyes thus: The king hath right to plant any of his subjects among us; but we denye to let him plant some of his subjects among us, unlesse they please us; *ergo*, we denye to Cesar, &c. The proposition is false; for I have proved before, that the King haveing given all the land within certaine
limitts

limitts to the patentees and their associates, cannot send others to possesse that which he hath granted before.

2. As for that in Heb. 13, it is nothing to the purpose: This law of the court hinders not the entertainment of straingers so farre as the rule of hospitalitie requires; and there is no other intended in that place.

[100] 3. For that in Gal. 6. I confesse the household of faith are principally to be regarded; and it is apparent that the care of their wellfare was the only occasion and ground (next the glory of God) of the making of this law: For, the court, taking nottice how the hearts of the faithfull were sadded by the spreading of diverse new and unsound opinions, and the uncharitable censures which they laye under by occasion of them, how brotherly love and communion decayed, how the ordinances of religion were neglected, and the faithfull dispensers thereof (sometimes more precious than fine gold) slighted and reproached, throughout the whole countrey, they found it needfull to provide remedye in tyme, that it might goe well with the household of faith, and though the execution of this law should turne to the damage of some of this household, yet better it is some member should suffer the evill they bring upon themselves, than that, by indulgence towards them, the whole familie of God in this countrey should be scattered, if not destroyed.

His last argument (by which we may see that he ment not to quitt the cause, so long as his breath would hold) is this, This law dasheth against many other lawes of Christ *ergo*, it is most wicked and sinnefull.

To which my answer may be short, and yet sufficient to withstand the force of this argument. This law dasheth not against any law of Christ; *ergo*, it is just and good.

[101] A Quo Warranto brought against the Company of the Massachusetts Bay by Sir John Banks Attorney-General.

Trin. 11^{mo}. Car. 1^{mi}. R^s.

In Banco R^s.

London ff. **T**HAT Sir Henry Rosewell and all the Massachusetts Company named in the patent and others of the said Company in New England, for 3 yeares last past and more, used in London and other places, as alsoe in severall partes beyond the seas, out of this kingdome of England, without any warrant or royall grant, the liberties, priviledges and franchises following, viz.

(1) To be a body corporate and politique by the name of the Governor and Company of the Massachusetts Bay in New England, and by that name to plead and be impleaded, answer and be answered in all courts and causes.

(2) By that name to be capable of purchaseing and retaining any lands, hereditaments or goods from his Majesty or any other in England or elsewhere, and of aliening the same to any person.

(3) Have severall common seales alterable at their pleasures.

(4) To make and sweare a Governor and Deputy Governor, of themselves, and to name and sweare any persons either out of themselves or others, to be assistants of the said society, and to appoint and sweare out of themselves soe many officers in England, and abroad in Massachusetts Bay, as they please, and at their wills to displace and change any of them.

(5) To admitt whom they please into the said Company, as as well aliens as others, and to take severall somes of money for such admissions, and at their wills to disfranchise whome they please, and turn them out of that Company.

(6) To hold to themselves and successors all that his Majesty's territory of Massachusetts Bay in New England,
and

[102] and the same to sell, give or dispose of as they please, and to have the sole government of all that country and all persons there or coming thither or trading thither, by the orders and constitutions of their society.

(7) To keep a constant councill in England of men of their owne Company and choosinge, and to name, choose and sweare certaine persons to be of that counsell, and to keepe one councill ever resident in New England, chosen out of themselves and to name choose and sweare whom they please to be of that councill.

(8) To appoint councill houses in England and beyond seas and there, when they please, to hold a court of such of the said company as they please; and in such courts to make such lawes and statutes concerning the lands goods and chattells of that company and other persons beyond seas, against the laws and customes of England, and all such, as well of the said company as others who are disobedient to the same, to imprison fine and amerce and them to levy and convert to their owne use.

(9) To transport out of England beyond the seas his majestys subjects and others and them, at their wills, to governe on the seas and on partes beyond the seas.

To have power, against the lawes and statutes of England, to transporte thence into partes beyond the seas all merchandizes and other things whatever prohibited by the lawes and statutes of England and all weapons and instruments of warr powder shott victuals horses mares and all other merchandize custome free.

(10) To exact of all persons tradeing there, his majestys or others, of the said company or others, certaine somes of money, at their wills, and to imprison such as refuse or neglect to pay the same.

(11) To have the sole importation, from thence, of all merchandizes into England and, by their owne authority, prohibiting any of their company to export out of England any merchandizes or other things thither.

And

(12) And to lay fines and amercements on such persons trading with any goods thither and to imprison their persons and lay such mulcts on their merchandize as they pleased.

[103] (13) To use in those partes beyond seas and upon the high sea, at their pleasures, martiall law.

(14) And to examine on oath any person in any cause touching life and member and to proceed to tryall sentence judgment and execution touching life and member lands tenements goods and chattells, against the lawes and customes of England.

All which franchises liberties &c. the said Sir Henry Rosewell and others of the said company have, for all that time, and still do usurp in contempt of his majesty &c.

And Mr. Attorney prayes proceſs against the said persons to answer by what warrant they held the same.

In Mich^{as} T. ximo. Car. i^{mi}.

THEOPHILUS EATON came in and pleaded, That he never usurped any of the said liberties, privileges and franchises in the information, nor did, nor doth use or claime any of the same, but wholly disclaymes them and prayes dismissal, whereupon the court gave judgment :

That the said Theophilus shall not for the future intermeddle with any the liberties privileges or franchises aforesaid, but shall be forever excluded from all use and claime of the same and every of them.

Hill. ximo. Car. i^{mi}.

Sir Henry Rosewell comes in and pleades the same.

Pass. xii^{thio}. Car. i^{mi}.

Sir John Young comes in and Pleades the same.

Hill.

Hill. xii^{mo}. Car. i^{mi}.

Sir Richard Saltonstall comes in and pleades the same, and judgment given against him as against Eaton.

Mich. xi^{mo}. Car. i^{mi}.

John Ven comes in and pleades the same, and the like judgment against him.

[104] Eod. Termino.

Matthew Cradock comes in, having had time to interplead, &c. and on his default judgment was given, That he should be convicted of the usurpation charged in the information, and that the said liberties, priviledges and franchises should be taken and seised into the King's hands, the said Matthew not to intermeddle with and be excluded the use thereof, and the said Matthew to be taken to answer to the King for the said usurpation.

Eod. Termino.

George Harwood comes in and pleades the same with Eaton, and the like judgment given against him as Eaton.

Eod. Termino.

Richard Perry and Thomas Hutchins came in and pleaded the same and had like judgment as Eaton.

Eod. Termino.

Nathaniel Wright does the same, and judgment alike.

Eod. Termino.

Samuel Vfall pleads the same and has the same judgment against him as Eaton.

Eod. Termino.

Thomas Goffe pleades the same and has the same judgment.

Eod. Termino.

Thomas Adams pleades the same and has the same judgment.

Mich. xiii^{mo}. Car. i^{mi}.

John Browne pleades the same and has the same judgment.

Mich.

Mich. ximo. Car. 1mi.

George Foxcroft pleades the fame and receives the fame judgment as Eaton.

The rest of the patentees stood outlawed and noe judgment entred up against them.

[105] A Coppie of a Letter sent by the appointment of the Lords of the Council to Mr. Winthrop, for the Patent of this Plantation to be sent to them.

At Whitehall April 4th 1638. Present,

Lord Archbishop of Canterbury	Earle of Holland
Lord Keeper	Lord Cottington
Lord Treasurer	Mr. Treasurer
Lord Pivy Seale	Mr. Controulor
Earle Marshall	Mr. Secretary Cooke
Earle of Dorset	Mr. Secretary Windebank

THIS day the Lords Commissioners for foreign Plantations, taking into consideration that the petitions and complaints of his Majestys subjects, planters and traders in New-England grow more frequent than heretofore for want of a settled and orderly government in those parts, and calling to mind that they had formerly given order about two or three years since to Mr. Cradock a member of that plantation, to cause the grant or letters patent of that plantation (alleadged by him to be there remaining in the hands of Mr. Winthrop) to be sent over hither, and that notwithstanding the same, the said letters patent were not as yet brought over: And their Lordships being now informed by Mr. Attorney General that a Quo Warranto had been by him brought according to former order against the said patent, and the same was proceeded to judgment against so many as had appeared, and that they which had not appeared, were outlawed.

Their

Their lordships well approving of Mr. Attorney's care and proceeding therein did now resolve and order, that Mr. Meawtis clerk of the council attendant upon the said commissioners for foreign plantations should in a letter from himselfe to Mr. Winthrop inclose and convey this order unto him. And their Lordships hereby in his Majestys name, and according to his exprefs will and pleasure strictly require and enjoin the said Winthrop or any [106] other in whose power and custody the said letters patent are, that they fail not to transmit the said patent hither by the returne of the ship in which the order is conveyed to them, it being resolved that in case of any further neglect or contempt by them shewed therein, their lordships will cause a strict course to be taken against them, and will move his Majesty to reassume into his hands the whole plantation.⁸⁶

Copy of Sir William Martin's Letter to Governor Winthrop, enquiring about the State of the Colony.

I Am glad to heare of Mr. Nortons safe arrivall, and should have been more glad if it had beene at the baye. I hope he will settle with you; his abilityes are more than ordinary, and will be acceptable and profitable to the churches. I have received Prats exposition from Mr. Downing; and in the mayne I finde little difference therein from his letter. I should be glad to be truly informed by you, what You conceive of the soyle and meanes of subsistances, and whether that exposition agrees with the truth of things. I am sorry to heare of Mr. Williams's separation from you: His former good affections to you, and the plantations, were

⁸⁶ Whether the intent of this order was that the Patent should be sent over that the Government of the Colony might be under a Corporation in England, according to the true intent of the Patent, or whether it was that the Patent might be surrendered, is uncertain. H.

were well known unto me and make me wonder now at his proceedinges. I have wrote to him effectually to submit to better judgments, especially to those whom formerly he revered and admired; at least to keepe the bond of peace inviolable. This hath been alwayes my advice; and nothing conduceth more to the good of plantations. I pray shew him what lawfull favour you can, which may stand with the common good. He is passionate and precipitate, which may transport him into error, but I hope his integrity and good intentions will bring him at last into the waye of truth, and confirm [107] him therein. In the meane time, I pray God to give him a right use of this affliction. Thus leaving him to your favourable censures, and you all to the direction of God, with my best respects to you and yours, I signe me

March 29. 1636.

Your affectionate, W. M.

Copy of a Letter from Mr. George Fenwick⁸⁷ to Governor Winthrop.

Sir,

I Thank you for your continued offices of love in your counsaile to my servant, while the Lord granted him health, and your kindnes and respect to him in his sicknes; as the Lord shall offer me opportunitie you shall ever find me ready to performe the like or any other fruit of well affection for you or yours. The change that his death hath made in my occasions putts me upon much new labour that I thought I had done with, and therefore I must be very brieve at present. I shall desire that those cattle that are in your hands or any others may be continued as they were till next springe, when I shall, if the Lord grant life, take order

⁸⁷Afterwards Col. Fenwicke under the Parliament and Cromwell. This Letter was wrote from Say Brooke where he was beginning a Plantation for Lord Say, Brooke, &c. H.

order for them. I wrote to you concerning powder that was left in the bay, the store we had here grows short, but I hope we shall have noe need till next springe, until when I leave it also, only I directed my man that if he saw it decaying, haveing been long kept, (though that we have here holds yet well) he should sell 8 or 10 barrells of it. Concerning the last part of your letter I can yet say little, only thus much that whatsoever tends to mutual defence and shall conduce to the settling and maintaining unfained love, you may expect from me and all those who are intrested in this place. For other matters, as they are of great consequence and near concernment to others as well as myself, I can at present say thus much only, that if there be any thing betwixt you and the townes above, about bounds, whatsoever is concluded without us heere I shall account invalid and must protest [108] against it. I speak not this out of any feare either of wrong or neglect from you or them, but to tell you in short (having many other business) what I hold my self bound to doe in that particular, and when there shall be a fitt time for any thing betwixt us you shall find us in all things to submit to right and good conscience. I am lastly to thank you kindly on my wifes behalf for your great dainties; we both desire and delight much in that primitive imployment of dressing a garden, and the taste of soe good fruits in these partes gives us good incouragement. We both tender our loves and respects to your selfe and bedfellow. If there be any thing wherein you can use me, I am

Yours in any real office of love,

October 1639.

This young man came by a providence in the bark that brought me news of Richards death, and having been versed in business while he was an apprentice I hope will ease me of some occasions that I send him over to dispatch.

R

Geo. Fenwicke.

Gyles

Gyles Fyrmins Letter to Governor Winthrop, about his settling.

Much honoured and deare Sir,

BUT that I thinke it needlesse (God havinge more than ordinarye fitted you for such trials) my letter might tell you with what griefe of spirit I received the news of that sad affliction which is lately happened to your worship, by means of that unfaithful wretch; I hope God will find a shoulder to helpe you beare so great a burthen. But the little time there is allotted me to write I must spend in requesting your worships counsel and favour. My father in law Ward, since his sonne came over, is varey desirous that wee might sett down together, and so that he might leave us together if God should remove him from hence. Because that it cannot be accomplished in this town, is verey desirous to get mee to remove with him to a new [109] plantation. After much perswasion used, consideringe my want of accomodation here (the ground the town having given mee lying 5 miles from mee or more) and that the gaines of physick will not finde mee with bread, but, besides, apprehendinge that it might bee a way to free him from some temptations, and make him more cheereful and serviceable to the country or church, have yeelded to him. Herein, as I desire your counsel, so I humbly request your favour, that you would be pleased to give us the libertye of choosinge a plantation; wee thinke it will be at Pentuckett, or Quichichkek, by Shawshin: So soon as the season will give us leave to goe, wee shall informe your worship which we desire: And if that, by the court of election, we cannot gather a company to beegine it, wee will let it fall. Wee desire you would not graunt any of them to any before wee have seene them. If your worship have heard any relation of the places, wee should remaine thankful to you, if you would be pleased to counsel us to any of them. Further, I would entreate for
advise

advise in this : The towne gave me the ground (100 acres) upon this condition, that I should stay in the towne 3 yeeres, or else I could not sell it : Now my father supposes it being my first heritage (my father having none in the land) that it is more than they canne doe to hinder mee thus, when as others have no busines, but range from place to place, on purpose to live upon the countrey. I would entreate your counsell whither or noe I canne sell it. Further : I am strongly sett upon to studye divinitie, my studyes else must be lost : for physick is but a meene helpe. In these cases I humbly referre to your worship, as my father, for your counsell, and so in much haste, with my best services presented to your worship, wishing you a strong support in your affliction, and a good and comfortable issue, I rest

Your worships in what he canne to his power,
 Ipswich, 26. 10th, 1639. Gyles Firmin.⁸⁸

Wee humbly entreate your secrecy in our desires.

[110] Copy of a Letter from Mr. Edward Winslow to
 Governor Winthrop.

Worthy Sir,

HAD not the Almighty (who is righteous in the midst of mans unrighteousnes) stirred up certaine malicious and slanderous persons to defame me with impudent, false and shameles reports, to my no small grieve and trouble, I had been with you before this day, knowing right well how comfortable the face of a friend is in such sad conditions as yours at present. How I have been and am affected with those losses and crosses as are befallen you by your unfaithful
 fervant

⁸⁸ This Giles Firmin was afterwards a celebrated nonconformist Minister in England, and died there after the Revolution. H.

servant, he that made the heart best knoweth. But when I consider how unhappy a man may be, in the fullest and most plentiful enjoyment of worldly treasures, then I judge you neerer happines in the losse of them; not doubting but our gracious God will sanctifie his hand unto you, assuring my selfe it will be good for you in the end. How prone would Gods people be to have their hearts ensnared and taken up with the world and the riches and honors thereof, if he should not sometimes shew us their vanity. He that brought Job so low (after he was humbled before him) blessed his latter daies more than his former. We have to doe with the same God: He can doe what he will, and let this be our comfort, he will doe what is best for us: Therefore let us shew forth his praise by patient submitting to his hand, joining therewith a diligent enquiry after the cause twixt him and ourselves. I have too often used a foolish proverb, I had rather be envyyed than pittyyed: But I finde by lamentable experience Gods word true, That none can stand before envy; and therefore prefer your condition farre before mine owne, whom I conceive to be compassed about with friends. But alas, however a friend loves at all times, now is the time of tryall; and herein (as many other waies) I doubt not but you will gaine by your present condition; which the Lord [111] in mercy grant. What you wrote to our Governor he imparted to me. Few or none of note have come from your parts this way of late, by reason of the season: So that we heare not what order you have taken in your businesse. If my presence may any way stand you in steed, you may command it, and my best service therewith. I pray you, Sir, take it not ill that I am thus plaine. If I faile tis occasioned by my love, knowing right well how such an unexpected streight may pinch a good estate, which I should be very sorry to heare. Be you and yours saluted in the Lord, to whom
my

my prayers are that his comforts may exceed your crosses :
And so desiring your prayers take leave, remaining

Your assured friend,
sympathizing with you,

Carewell,⁸⁹ this 17th Mo. ult.

Edw. Winflow.

1639.

Copy of a Letter from Mr. Thomas Jenner to Governor
Winthrop.

Worthy Sir,

YOUR pious and good letter I received; for which I humbly thank you. Your judicious counsel therein I lovingly imbrace, as concurring fully with mine owne judgment: Hence have I not troubled the people at all with church discipline, or constitutions of churches, &c. but have bent my whole studdies to shew them their miserable and lost estate without Christ, &c. Nor have I enveyed, in the least measure, against the church of England (to my remembrance) but have been (and still am) very fearefull to give one word of distast about those things, but altogether do seek to gaine them to Christ. True, I do acknowledge that after I had been here for the space of a month or 6 weeks, and perceiving them very superstitious, (performing mans invention rather than the [112] instituted worship of God) now, that I might gaine their good esteeme of Gods pure ordinances, and make them see the evill and folly of their superstition and will-worship, I made choise of Ps. 19. and 7. to handle it at large: And, in one of the uses of reproof, I bent my selfe as strongly as I could against the religion of the Papists, and condemned those practices, which I saw the people here were superstitiously addicted to, in that use against the
Papists;

⁸⁹ The name he gave his Farm in Marshfield. H.

Papists; whose religion I shewed, at large, consisted either of a new instructed worship not mentioned in the law of God, or of Gods instituted worship miserably abused, either by their additions or diminutions; and shewed the particulars wherein. Now (I heartily thank God for it) it took a generall good impression, excepting Mr. Vines and one more who told me that I struck at the church of England, though I mentioned her not. Whereupon he pressed me to dispute with him about one part, of baptizing infants with godfathers and godmothers; the which I was very loth to dispute about; yet I saw that either I must, or else sit downe with shame, for he had called together his whole family to heare it. Now, it pleased God so to strengthen me (through the riches of his mercy) that he was utterly silent; and since that time hath manifested more respect and love to me and my master than formerly, and doth take notes of the sermons dayly, and repeateth them in his family very orderly, as I am informed.

Thus, sweet Sir, I make very bold to enforme your worship with the truth of things, though not worth the writing.

I have been solicited both from the inhabitation of Stratens plantation and from those of Caskoe, to be a meanes to helpe each of them to a godly minister; wherefore I do make bold to intreat your worship to do your endeavour to furnish them both.

Thus, hoping ere long to see your face, I leave you in the arms of our blessed Saviour, in whome also I rest,

Your worships to command,

Saco, 26 of the 2d,

till death,

1641.

Th. Jenner.

Copy

[113] Copy of a Letter⁹⁰ from Mr. Endecott to Governor Winthrop, about La Tour.

Deare Sir,

I Am glad that La Tour hath not ayd from us; and I could wish hee might not have any from the shippes: For as long as La Tour and Daulney are opposites they will weaken one another. If La Tour should prevail against him we shall undoubtedly have an ill neighbour. His father and himselfe, as I am informed, have shed the blood of some English already, and taken away a pinnace and goods from Mr. Allerton. It were (I think) good, that busines were cleared before hee had either ayd or libertie to hire shippes, yea, or to depart.

Sir, it is not the manner abroad to suffer straingers to view forts or fortifications, as it seems these French have done. I must needs say, that I feare we shall have little comfort in having any thing to doe with these idolatrous French. The countrey hereabouts is much troubled that they are so enter-tayned and have their libertie as they have to bring their soldiers ashore, and to suffer them to trayne their men. And great jealousies there are, that it is not Daulney that is aymed at; seeing such a strength will neither sute such a poore designe, and La Tour a man of weake estate, as it is said. Wherefore, other mens hands are employed, and purses too, for some other service. But I leave all these things to your serious considerations, desiring the Lord to guide you therein to the glorie and peace of the churches here, to whose grace I commit you and humble rest,

Yours trulie ever,

Jo. Endecott.

19th of the 4th, 1643.

Copy

⁹⁰ The original is in the library of the Massachusetts Historical Society. W.

[114] Copy of a Letter⁹¹ from Thomas Gorges⁹² to Governor Winthrop.

Piscataquaque, 28 June 1643.

Right worthy Sir,

I Understand by Mr. Parker that you have^{*} written to me by Mr. Shurt, which as yet I have not received. It cannot be unknown to you the fears that we are in since La Tours promise of ayd from you; for my part, I thought fitt to certifie soe much unto you, and I doubt not only these parts which are naked, but all N. E. will finde D'Aulnay a scourge. He hath long wayted (with the expence of neer 800*l.* per month) for the apprehending of this supply, and if all his hopes shall be frustrated through your ayd, you may conceive where he will seeke for satisfaction. If a thorough worke could be made, that he might utterly be extirpated, I should like it well; otherwise it cannot be thought but a soldier and a gentleman will seeke to revenge himself, having 500 men, 2 shippes, a galley, 3 pinnafes, well provided: Besides you may please to conceive in what manner he now besiedges La Tour, his shippes lye on the S. W. part of the island at the entrance of St. Johns river, in which side is only the entrance for shippes, on the N. E. lye his pinnafes; it cannot be conceived but he will fortifye the island, which will debarr the entrance of any of your shippes and force them backe, shewing the will, having not the power, to hurt him.

I suppose I shall for England in this shipp, I am not as yet certayn, which makes me forbear to be larger at this tyme, or to desire your commands thither. Thus in haste I rest,

Your honouringe friend and servant,

Tho. Gorges.

Copy

⁹¹ The original is in the library of the Massachusetts Historical Society. W.

⁹² Son to Sir Ferdinando Gorges. H.

[115] Copy of a Letter⁹³ from Richard Saltonstall and others to the Honourable Governor, Deputy Governor, and Assistants and the Reverend Elders at or near the Bay.

Much honoured in the Lord,

THough we doe, and may truly, professe ourselves to be both unfit and unwilling to interpose in a matter of such state and weight, as we conceive this French affair to bee, yet the honour we owe to the religion we professe, the loyalty we beare to our native country, especially in its present condition and the reference wherein it stands to the kingdome of France, our respect to the reputation of our government and governors, our tender care of the souls and lives of such as are committed to the trust thereof, the eye of care we ought to have upon our friends in the east, our regard to our Christian Confederates, so lately combined with us, in confidence of our piety and wisdom, and the religious discharge of our own consciences and duties, will not permit us to be silent, so long as there is any roome left for us to speake. We have littel hope to revoke resolutions soe farre transacted and ripned, but we presume it shall not be taken amisse, if we labour to wash our hands wholly of this designe, and what ill consequences soever it may produce. The reasons moving us hereto, are our deepe feares that the stated rules of undertaking warres, either by proper and direct enterprize, or by lending ayd, have not been so duly observed, as we could wish.

1. The grounds of warre ought to be just and necessary. For the justice of this warre by la Tore agaynst Daulnay, we conceive that all the light and information New England hath, or may probably receive, cannot be sufficient for us to determine it positively; we understand it hath beene variously judged in the courts of France, one while for Daulnay, another

⁹³ The original is in the library of the Massachusetts Historical Society. W.

another while for la Tore, and it is not impossible that la Tore hath now rather outfriended than outpleaded Daulnay; we shall therefore runne into an [116] unchristian pre-munire of presumption if we resolve upon such an enterprize with an unresolved faith in *causâ dubiâ bellum non est suscipiendum*. For the necessity of it, it must either be in point of charity towards de la Tore or upon some engaging interest of our owne. For any bond of charity, we conceive the speech of the prophet to Jehosaphat, 2 Chron. 19. 2. and of Solomon, Proverbs 26. 17. not only discharge but strongly prohibite us. 1. For our owne interest, if it be cleare that Daulnay hath offered us such great wrong, as invites us to a warre (which we much question, for it must be *atrox injuria*) we suppose it would stand more with the honor of our religion and plantation, to proceed professedly and orderly against him, then for us English to become but margent notes upon a French text, which to us is as yet but Apocrypha; and to undertake him upon more certaine grounds, and at a more seasonable time when he doth lesse expect us, and is not so well provided for us as now he is. Warrs are extreme remedies and are not to be enterprised unlesse their causes will beare out all manner of effects and consequences, whether personall or nationall, which may ensue. And what may not ensue, if either of the nations to whom we belong will comment upon our action in a state language, and how apt a time this is for misconstructions we cannot be ignorant. The spirit of warre is scholastick and jesuitical, traversing the very position and principles, which peace hath held both dogmatical and irrefragable, even to the wonderment of rational men. We are informed that Daulnay desires our friendship, and we are inclined to believe that if it did as well become him to appeal to our judgment as it ill beseemes, us to expect it, he would not refuse to cast himself upon our compromise.

2. Warres ought not to be undertaken without the counsell

fell and command of the supream authority, whence expeditions issue. It is not hard to say, the present reference betweene the kingdomes of England and France considered, that the subjects of the one ought not to wage warre against the other without a publick commission of [117] state, unlesse it be in defence upon a sudden assault: Neither do we yet heare that La Tore himself hath any such commission for this his action; though if he had it were little to us. It is a rule observed amongst confederates, that during any league of peace betweene them, one friend may not ayd another against any part of his province, till that part be proscribed by the authority of a generall assembly whereof it is a member, and the confederates assured thereof in a state way. The breach of this rule is a breach of league. Publick actions of hostility worke farre and wide, having their national and confederal influences and consequences. The daggers we draw here may happily prove swords in Christendome for ought we know.

But this designe, whatever the cause was, seemed shy even of our New-English Counsel to warrant and guide it: How closely it concernes the peace and safety of the whole plantation may easily be conjectured, and how farre it declined the the advice thereof in a representative course we are very sorry to consider or mention.

We dare not so much impeach the honour of the advisors as to think they would vaile the action with this, that they only permit and give way to voluntiers; for who knows not this to be a rule of state, that Not to forbid, when there is notice and power, is to bidd.

This were also to proclaime our weaknes, in prostrating our government to nothing; for who is ignorant that To permit voluntiers to issue out in aid of a friend is never done without an act of state, where any state is?

Daulnay, nor France, are not so feeble in their intellectuals

uials as to deeme it no act of -state, when, upon consultation with some of our chiefe persons, our men are suffered if not encouraged, to goe forth with our provision and munition upon the designe: We do therefore wonder that our people, having no warrant from authority, will, of their owne heads, runne such a hazzard of their soules and lives, as can neither looke for any prayers or thanks, for their good successe, nor any succours if it fares ill, and [118] as it may fall out, rather call for the curses of their friends from whom they went, and of posterity yet unborne, and yet these poore men presume that if Daulnay should say, as the King of Egypt to Josiah, what have I to do with thee, thou King of Judah? I come not out against thee this day, but against the house with whome I have waire, or if they should shed innocent blood or feel their own soules dropping suddenly into hell, they had their warrant from the Counsell and countenance of those upon whom they might and ought to confide. It were to be wished they had beene taught the Germane proverb, which sayth, He that loseth his life in an unnecessary quarrel dyes the Devill's martyr. Had they had the voyces of the people with them, it had beene better than nothing; but that wind seemes to us to blow strong in the teeth of their voyage. We shall presume to propound these questions.

1. If Daulnay or France shall hereafter demand any of them from us as enemies, or murtherers, whether will our court protect or deliver them?
2. If any of the parents or wives shall require their lives at our hands, who shall answer them?
3. If any of their widdowes or children shall require sustenance, or any maimed foldier in this expedition call for maintenance, who shall give it them? or if taken captive and made slaves, who shall rescue or redeem them?

3. The ends of warre ought to be religious: What glory is intended hereby to God we see not, and how our peace shall hereby be settled we foresee not, but suspect it will rather

ther be a beginning than an end of our troubles and feares, if we do not wholly suppress Daulnay, we may be sure of it. He is already very strong, and if our ships and munition fall into his hand, it will diminish from us, and incourage, exasperate and strengthen him.

If La Tore prevaile he is like to cavill with our men for some miscarriages, or we with him for non-payment, The passage of our ships to and from England hath hitherto beene quiet and safe, in regard to the French, but we cannot so expect it hereafter, if they shall meete with any of La Tores or Daulnays special friends, or at least with [119] the friends of such of them as we shall seeme to wrong. *Bellum contra hostem non est suscipiendum cum periculo reipublicæ, &c.*

4. Undertakings of warrs ought to be probably feafable, but this seems not soe to us. We learn out of the East, by an eye witnesse, that Daulnay is very strong, in artillery, men and munition, at land, and very well provided at sea, inso-much that some of the East have consulted to repayre to him in his ayd, least he should upon revenge annoy and ruine them; he is reported to be a valiant, prudent and experienced souldier and commander, and defendants have greater advantages of assaylants, soe that, we feare, our sheep have hastned to their slaughter.

5. Lastly, The manner of enterprising warre calls for many rules, according to scripture and the custome of religious and ingenuous nations, as to summon and give warning before they strike: To heare what the defendant can pleade for the justice of his cause, to offer termes of peace with equal articles, and to give special cautionary commissions and commands how farre to persist in ayd, and when to desist; but we neither can send fitt men for such charges, nor can we prescribe such directions, without a professed imbarquing ourselves in the action, which, it seems, is wholly declined on our parts.

We therefore trouble you no further, only we itterate our
protestation

protestation that we are and desire to be held cleare and innocent of this undertaking, and

Your worships in all christian affection
and services,

5th, 14. 1643.

Richard Saltonstall,
Simon Bradstreet,
Samuel Simonds,

Nath. Warde,
Ez. Rogers,
Nath. Rogers,
John Norton.

[120] Copy of a Letter from Mr. Endecott to Governor Winthrop, about the French.

Dearest Sir,

I Finde that your troubles are many, and especiallie about this French busines. The Lord in mercie support you. I am much grieved to heare what I heare; and I see more of the spirits of some men than ever I thought I should see. The Lord rebuke Satan. Sir, be of good comfort, I doubt not but our God that is in heaven will carry you above all the injuries of men; for I know you would not permitt any thing, much less act in any thing that might tend to the least damage of this people, and this I am assured of, that most of Gods people here about us are of the same minde. The rumours of the countrey, you know, they rise out of ignorance principallie, and much out of fears; wherefore, I pray you let there be satisfaction given us soone as you convenientlie can, in the way you wrote me of; for I finde the spirits of men in this countrie are too quick and forward. I cannot excuse myselfe, yet I blesse God, not to wronge you, but according to the information and light I received from you, I acted publiquelie so farre forth as to breake downe all prejudices

prejudices against yourselfe or the rest that advised with you. Our prayers here are publicquely and privately for a good issue of it, and that continually. I hope God will looke upon your sinceritie in mercie and will heare our requests.

I see no good use of such protestations as I heare of, but they may prove more dangerous than the French busines by farre, if our God hinder not. However, it will be of use (God directing) to make a holy use of it.

Touching my coming to Boston about the Dutch busines, I cannot see how it will be of any use: For the messenger cannot have a determinate answer till the generall court, and to morrow we have appointed many of the towne for the working of the fort, which, unless I be there, there will not any thing be done, and I received not your letter till this day after our lecture.

[121] I conceive, if you do any thing about Mr. Oateleys busines, that you also will be pleased to appoint some day and grant some summons to him, that hee may bring in his witnessses, that there may not be any just ground of exceptions given: For hee speakes as if hee were much wronged in all the testimonies taken against him, and that he can disprove them, &c.

Touching the note about Bushrode, I shall bring it with mee (God willing) the next court.

The Lord our good God be with you, to uphold you, and to continue you amongst us to do yet further service, to whose grace I committ you.

Yours ever trulie to serve,

Salem, 26, 5th mo. 1643.

Jo. Endicott.

The Governor's Answer⁹⁴ to the Ipswich Letter about
La Tour.

Gentlemen and beloved brethren,

IT is not unknowne to you, that (through the Lord's gracious assistance) I have thankfully imbraced and submitted unto the wise and loving advise and admonitions of any of my brethren; and truly it is still my desire so to do: And this (I hope) may well stand (upon this present occasion) with the maintenance of what is good and righteous in our cause about this French busines, and with that faithfulness that is againe required of me towards you all, whom I love honour and reverence in the Lord. And though I have lately written to you about this matter, yet that which I have since received from you calls upon me for some addition and answer also; which I do not with any purpose to contend, but in discharge of my conscience and duty of my place, and let the Lord do what seemes good in his eyes.

The protestation, which was directed to myselfe first, but came to me through many hands (and so it seemes it [122] was intended by you, being sent unsealed) was entertained of me as proceeding from your zealous care of the public safety: But, considered in itselfe, it is an act of an exorbitant nature, out of rule, out of season, and of dangerous consequence. Such protestations are publique and judicial acts, and therefore must be warranted by some authority which appears not in this. I know no law, order custome or &c. that can give power to 3 assistants, by any such publick instrument, to contradict the proceedings of a greater number, the Governor also being one of them; and how it will consist with the obligation of a freeman is also considerable. Suppose now 3 other assistants and so many elders should protest against your protestation, it would be of equal force, and as warrantable for ought I knowe. Again, it comes not like Solomons apples of gold in plates of silver; it is *consilium post factum*: Whereas,

⁹⁴ The original is in the library of the Massachusetts Historical Society. W.

if you had sent it in season, it might perchance have stopped those proceedings which you so much complaine against; whereas, at present (you know and all may see) you do but beate the ayre, and strive for that which (you are sure) you cannot reach. It is also of dangerous consequence in these respects. 1. It may be a president for others to attempt the like in any case; for you take upon you the sole judgment of your owne act, and if others may have the like liberty, they may countenance their opposition to authority, as well in evill causes as in good. 2. It blowes a trumpet to division and dissention amongst ourselves, magistrates protesting against magistrates, elders against elders, blameing, condemning, exposing brethren to the peoples curses, and casting them down to hell itselfe; and all this must be indured, while we walk after the light God affords us from his owne word, and the presidential acts of former times, and of our owne generall court (as will be expressed hereafter) whereas the way of God, and of order, and of peace, had beene to have referred your grievance to the generall court, and not by such an unwarrantable protestation and outcry against your brethren, to incite the people against them; whereof, if any evill [123] effect should follow, your protestation of innocencie would afford you little comfort or defence. 3. This is the ready way to hasten upon us the evill so much feared: For if Daulnay understand our divisions to be such, as he is like to have a party amongst ourselves, (as you declare your intelligence to be) this may imboulden him to attempt that against us which, otherwise, he dared not have done. It is also against the rule of justice, your owne plea on Daulnays behalfe, for you passe sentence and publish it without calling us to answer: If may be one or two of you have accidentally heard us speake somewhat about it, but did you ever enquire of us, if we had any more to say for our selves why judgment &c. For you will find we have more to say for our selves than you formerly heard, and it is a necessary consequence,

T

if

if you had power to be our judges, you had the same to require our answer. I intreate you to call to mind that beaten rule of equity, *Qui aliquid statuit parte inauditâ alterâ*, &c. We are condemned in court, in country, by private letters and by publick edict, and never asked, Why have you done this? and all this so carryed on, and unseasonably dispensed as no man can tell (nor do yourselves propound) what you would have, or how it may tend to any publick good or prevention of that great danger which you suppose to hang over us; except it may be conceived that, either Daulnay will be pacified with a protestation, or the people will be stirred up to sacrifice some of us to make their owne peace. You say, indeed, you will hereby be innocent of all the evill that may insue, &c. Amen, say I; but surely wise men will not believe that such a protestation will acquit you, either before God or men: No more than if one of the magistrates sitting silent in the court while a man is condemned, and after he is executed shall tender a protestation of his dissent from the sentence. And truly (brethren) you might have dealt a little more tenderly with us, for such faileings as you have apprehended in our counsells, being the fruite but of a few houres consultation; seeing yourselves, (upon so many weekes deliberation) could not [124] free your owne acts from such miscarriage as you see your protestation, out of date, and out of course, both hould forth.

This I thought needfull to tender to your wise and christian consideration, concerning your protestation in generall: Somewhat I must say to your arguments, besides what may concerne them in my former writings. But, first, you may please to consider, that it cannot be denyed but that the Governor, assisted with some of the magistrates, may take order for such sudden affaires of the state as either need not, or cannot, stay the assembling of the general court; of which sort, we conceived this was (the reasons you may see in my former writing) and when, in such cases, we have proceeded according

according to our best skill and judgment, we are to be excused, and so it was wont to be: And the generall court seemes lately to have enlarged this trust, when, by the order of (4) 1641, it gives power, out of court, to any 3 magistrates to do that which may occasion a warre, with the Indians, as likely as this with the French: For they may give commission to any master to right himselfe upon the Indians, for his fugitive servant. By like authority it was that some of us disarmed the Indians and imprisoned some of them, upon the late suspicion: And although it was conceived to be full of danger, and proved troublesome and chargeable, yet we were not reproved for it. Other instances might be brought, but in those times, indeed, when such protestations were not in use. Now in this case of the French, wherein the onely doubt was, not whether wee should ingage ourselves in a warre with La Toure against Daulney, or not; for, we know that neither the magistrates nor the generall court it selfe could determine that,⁹⁵ but whether it were safer and more just and honourable for us to stop the course of God's providence, offering us opportunity to save a distressed neighbour, to weaken a dangerous enemy without our chardge or engagement, or to suffer it to go on freely in its owne course. Of these two we judged the last to be best, &c. And of this opinion some of us shall still be untill we see stronger arguments against it than as yet we have met with.

[125] Now for your arguments, (whereof some concerne the preceedings, others the consequences) I will passe by that of Jehosaphat as no parallel to our case; and see if I can free us from that of Prov. 26. And here it may be first observed, that he speaks of one that passeth by, viz. that had no calling or invitation to deale in it. But 2, I will shew that this strife betweene La Tour and Daulnay doth neerly concerne us: and first in point of duty, in that our distressed neighbour calls to us for help; a speciall providence of God and his owne

⁹⁵ No War could be declared without the consent of the united Colonies. H.

owne good opinion of our charitableness, brought him to us, for some ends, and no other appearing to us, it was our duty to attend this; nor were we in this case to stand upon the justice of the quarrell betweene them, nō more than Abraham did when Lot and the Sodomites were in present distresse; nor than any man would doe, if he saw his neighbour under foote and in danger to be killed, he would first rescue him from danger, ere he enquire of the cause. And how we might withould such helpe from La Tour which that providence which brought him hither, might here offer him in his apparent distresse and danger of utter ruine, I professe I see no warrant.

For cleareing of this point I desire you seriously to consider an argument or two. 1, He is either a neighbour or no neighbour. If he be not a neighbour, then is he in no relation to us by the second table, and then we may rob, beate, or kill him without breach of any commandment. But if he be a neighbour then must we do to him in his distresse, as we would have others do to us in ours. 2dly, If he be one of those ALL, to whom by the rule of the Apostle we must doe good (as he must needs be, if he be either of the houshold of faith or out of it) then that is the good we must do to him, which he hath most present neede of; and that we may not withould from him, when it is in our hands to give it him, Prov. 3. 27. I pray you consider the place. 3dly, If my neighbours or mine enemies oxe be in that state as he cannot get to his place without my helpe, I must helpe him to his place, Exod. [126] 23. 4. much rather my neighbour himselfe; and therefore La Tour and his company being now before us in that condition, we ought to helpe him hence. These are plain and general rules and will not beare distinctions of protestant and papist: For the morall law being given to man by nature was given to him as man, not as man so and so qualified, and therefore when it requires duty from him, it requires it as from a man simply; and when it propounds
man

man as an object of this duty, it propounds him also simply considered without distinction of good or bad, christian or heathen, &c. and our Saviour inforceth this by propounding the example of our heavenly father, who causeth the sun to shine upon the just and unjust, &c. and commands us to follow his example. And the gospell makes this difference only, that in question of priority, or necessity of neglect of one, the faithfull must be preferred. Therefore let us see something of like authority to dispense with these rules, or else we must conclude, that this (so far as we deale in it) is a thing that concernes us. 2dly, As it concerns us in point of duty, so doth it also in point of danger. I have shewed in my former writing how Daulnay hath dealt with us and our neighbours, when he was weak, what principles he is acted by, and what pretences he hath against us; and all histories teach us that the ambition and covetousnes of conquerours and spoylers, hath always increased with their power: And shall we not believe that Daulnay onely will be more calmed and moderated by accessse of 200 soldiers, and 4 or 5000l. yearly revenue: Let the latin proverb be attended as well as the Germaine, and that will tell us that *res nostra agitur, paries cum proximus ardet*. I may strengthen this concernment by a late Germaine history. When the bishop of Spiers had begun to raise a strong fortification upon his owne territories, the late Palatine of Rhine demolished it by force of armes in time of peace, because it might be dangerous to him if warr should arise. And the Lacedemonians being in league with the Athenians (their owne city being unwall'd) would not suffer the Athenians to [127] wall theirs because it concerned them in point of advantage. And it hath beene usual for the States of Europe to interpose in quarrells of their neighbour States, when they have concerned them but in point of danger onely. Now for your discourse about our distinction betweene commanding and not forbidding, let the distinction be rightly stated as it concerns our practise, and
not

not as you would put upon us, and we hope it will hould so well, as neither the advisers nor the actors shall neede to be ashamed to owne it. We disclaime to have any hand in yielding leave to any of ours to go make warr upon Daulnay, but this we owne and no more, that we gave leave to such as could be hyred, &c. to accompany La Tour and to conduct him to his owne place. And such a permission as this (though it were a commission to this purpose) we stand still to maintaine is no undertaking of warr, nor act of hostility, but a meere liberty of commerce, and if any blood shed should follow upon it, it is accidentall and not depending upon this as any cause of it. Nor is it any just provocation of warr, or any breach of peace, nor so accounted among civil states. I shall cleare it by an instance or two both private and public. If I have a neighbour within a few miles of me suspected to be a robber, if I send my servant to beate him and he doth so, I am a trespasser; if he kill him, I am a murderer. But if a traveller comes by and tells me that he hath a chardge about him, and he is afraid to goe alone on his journey for feare of such a man, and desires me to let my servant go with him (if he be willing) though it may be dangerous to his life, and may also prove danger to mee or mine from such robber: And if the traveller be now sett upon by this robber and my servant kills him, we may both justify it.

I will give another instance. A merchant of Spaine being in London, by leave of the King of England, hires a London ship to transport him and his goods into Spaine; upon the way a Holland man of war meetes and fights with him, and men are slaine on both sides, yet without any breach of peace on either side, or any act of hostility in [128] the King of England, as it would have beene if he had granted a commission to assault the Hollander: So that you may see there is a wide difference betweene givinge commission to fight and givinge leave to be hyred to guard or transport. So as you must needs have beene mistaken in the right statinge of the distinction

distinction, or else I cannot conceive what your apprehensions should be of the English and Irish and Scottish, who in so greate numbers, for these many years, have served the States against the Spaniards, and the Spaniards against the States, the Swedes against the Emperor, and *e contra*, without any breach of the peace between those nations. But admit such a permission were against a rule of state; yet if that rule of state be against the rule of charity it will not be hard to judge which must give place. I will conclude this argument with that which I touched in my former writing. That which is lawful for a private person to do, in the way of his calling, the magistrate (if he judge it expedient, or not hurtfull to the commonwealth) ought to furdur, or not to hinder him in it. But it is lawful for the owners and masters of shippes, and is in the way of their calling, to be hyred by La Tour, to convey him to his rightfull habitation, and we judge it no way hurtfull but advantagious to this commonwealth; therefore we did well and according to the duty of our office, in yielding leave to them, and in not hindering them. And it is no sufficient plea against it, to say that we know not the justice of his cause; for that will not concerne us in this case (and yet we do know it in good measure) But if our shippes shall be opposed in their lawfull course, the justice of their cause will lye in that: As for example: A man travaileing in a wagon in England, and carrying his goods with him, his creditor sets upon the wagon to take his debtors goods from him by force, the wagoner may defend him and his goods, being now in his charge, without any respect to the former ingagement; for the justice of his cause ariseth upon another ground. Neither is there any need to send to Daulnay before they goe (no, though they went of purpose to fight with him) for besides divers [129] examples in scripture to warrant the forbearance of it, the rule in Deut. 20. 10. gives other direction: When thou comest *neere to* a city to fight against it, thou shalt send to offer peace, &c. This point
being

being thus cleared, that we have not enterprised any warre in this our proceeding, all your complaints against us, and all your arguments tending that way do fall to the ground. This is not the case, neither are we the men, and therefore I shall not need to examine your reasons and allegations against such; nor am I willing to mention these passages wherein our power seemes to be so much slighted. I dare not believe that you intended all that is held forth in them. I looke at your queries also as raised upon the same mistaken grounds, which being now cleared to you, you will easily resolve yourselves about them. And yet this I will propound to your consideration, which may be a full answer to them all in the most knotty construction, viz. If our brethren should erre in their way and thereby bring them selves into distresse, yet (if we must pardon them upon their repentance) sure we may not desert them, nor hide our eyes from their misery. If any of our confederates (through humane infirmity) should, against their covenant, bring a just warre upon themselves, yet if they call to us for helpe, and tender themselves to equall satisfaction, we must not leave them to destruction. No relation amongst men could stand or be usefull, if meere errorr (which we all are continually subject to) might dissolve it, or obstruct the vitall spirit which should breathe in it.

Whereas you object that, in this permission, we make the state as a cypher: I answer, the state hath the same influence into this which it hath into other merchants voyages, by a general and implicit consent, which may be sufficient in so free a state as ours is; where there is no restraint upon persons or ships (but upon speciall occasion) they goe and come at their liberty.

Now for the point of danger. I conceive, first, the rule of the Apostle Peter will hold even in this case; while we do well we are not to be frightened with any terrour. Again, there is no course or voyage undertaken by us, but [130] it may expose the undertakers to perill, and may occasion displeasure

pleasure and danger to us from abroad; but such dangers have not hitherto deterred us from any probable way of our safety or advantage; nor have we sustained any harme hitherto, by casting ourselves upon the Lord and his good providence in such cases. I will remember you of some. When we first set up reformation in our church way, did not this expose us to as greate an hazard as we could run, both from abroad and at home? Did not our friends in England, many of them, forewarne us of it ere we came away? Did not others send letters after us, to deterre us from it? Did not some among ourselves (and those no meane ones) inculcate our inevitable dangers at home, from no small company left out of church fellowship, and civill offices, and freedome hitherto? Yet we trusted in God (though there appeared no meanes of safety) and went on our way; and the Lord hath still preserved us and frustrated all councells and attempts against us. Againe, when upon grievous complaints against us to the Lords of the Privy Counsel, of such civil innovations amongst us as we could not justify by the laws of that state, a strict order and command was sent to us to deliver up our patent, or else to expect to have it fetched by force, what greater danger could be towards us than appeared in not obeying of this command? Yet we had then courage enough to returne an answer without our patent. When we undertooke a warre against the Pequots, which no necessity put us upon, but only in point of conscience (they had done us no injury) on others behalfe, there were more objections (in point of dangerous consequences) against that, than against this; our friends of Plimouth complained of it, and wrote to us accordingly; so did our friends of Connecticot, laying forth the dangers we had exposed them unto by it, wishing we had forborne to a fitter season; but neither of them protesting against it: Yet, in due time, the Lords hand appeared in it, to the good of the whole country, and we felt but little of those great dangers which were justly to be feared. Our in-

telligence was believed, which we heard long since, and hath been more certainly [131] confirmed of late, that the jesuitical State⁹⁶ have had an evil eye upon us, and not without cause (as themselves apprehend) and though we looke at this as the head of all forein enmity, yet the Lord hath still saved us, and that without any great impressiion of feare upon our spirits. In the treaty about our confederacie, the doubtful construction of it in England, the danger from a General Governor (especially in regard of our brethren of Plimouth) the necessity of our being involved in the quarrel with the Dutch, on the behalfe of our brethren of Hartford, were taken notice of by the generall court and many of the elders, &c. yet neither would the court be deterred from entring into that brotherly league, nor were our elders or people troubled with feare of those dangers. And now, lately, when we received Pumham and Sawcononoco in to our jurisdiction, the generall court considered how offensive it would be to the Naragansets, and so likely to ingage us in a warre with them ; yet, the thing being lawful and expedient for us, and giving hope of opening a doore to the conversion of some of them, they would not let slip the opportunity of such advantages, for the feare of doubtful dangers. More I might add: All amounts to this summe, the Lord hath brought us hither, through the swelling seas, through perills of pyrates, tempests, leakes, fires, rocks, sands, diseases, starvings, and hath here preserved us these many yeares from the displeasure of Princes, the envy and rage of Prelates, the malignant plots of Jesuits, the mutinous contentions of discontented persons, the open and secret attempts of barbarous Indians, the seditious and undermining practises of hereticall false brethren ; and is our confidence and courage all swallowed up in the feare of one D'aulnay ? Admit we should have stepped aside
out

⁹⁶ They were in great fear of the French when they settled, under Richlien, at Port Royal and afterwards, when D'Aulnay came to Penobscot. See *Massa History*, V. I. p. 28. H.

out of our way, doth the favour and protection of our God wholly depend upon our perfect walking? Were we never out of our way before, under all our former mercies and deliverances? Did Abraham, [132] Isaac, Jacob, David, Jehosaphat, the people of Israel, Judas, and others, never find protection and deliverance, when, by infirmity, they were found to be out of their way? If they did, why may not we still seeke and hope for the like, seeing the Lords mercies indure for ever? For my part (if there were not other sins, which God may have a controversie with us for) I should little feare any harme from this. If any breach were made in our peace, this is not the way to make it up. We may bring more displeasure and danger upon ourselves, by the divisions and breaches of rule which may be occasioned by our unseasonable striveings about that which is now past remedie, than would otherwise arise from any miscarriage in the busines it selfe, in the worst construction that can be made thereof.

The feare of man bringeth a snare; but he that trusteth in the Lord shall be safe. Prov. 29. 24.

J. W. G.

Copy of a Letter⁹⁷ from Mr. Simon Bradstreet to Governor Winthrop.

Right Worthy Sir,

I Received, together with others, two letters from your selfe, concerning the French affaire, and had I not hoped that you should have receaved a finall answer from us longe before this tyme, I should not have been so longe silent, nor shewed soe much seeming neglect, but being now almost out of hope of accomplishing that which was intended, I thought meete to present you with these few lynes. Howe unpleasing
it

⁹⁷ The original is in the library of the Massachusetts Historical Society. W.

it was to mee for to expresse my selfe by word or writeing contrary to the apprehension of your selfe and other friends, both godly and wise, whome I both love and honour, hee that is the searcher of hearts knoweth; and howe farr it was from my will [133] or intent, when I sett my hand to that letter you received, to cast any dishonour upon your selfe or others, I hope in tyme you shall know and be fully perswaded of. The truth is, our ayding of Latour was very grievous to many hereabouts, the designe being feared to be unwarrantable by dyvers, as the case stands with us; of which number I confesse I was, (and soe still remaine) one, and though the busyness was soe farr proceeded in before wee writt the letter, as (for my parte) I had noe hope of stayeing the shippes, yet some of us thought it might be of good use to intimate that some cautions might be given to those that went, and they be strictly required to observe the same, that soe the undertaking myght be preserved from sinne and the common wealth from damage, soe much as the case was capable of, which cautions if refused, then to signifie under our hands, our not consenting to the proceeding, with our reasons thereof; but for any protestation against the act, condemning it, we never intended it, but frequently fully and expressly declined it, soe the sending the letter without those cautions and after the shippes were gone, concernes those to answer that did it, for my parte I was much troubled att it so soone as I heard of it. What errors may be found in our letter for matter or manner of expression (it being intended noe otherwise than I have expresse) I shall be farr from owneing or justifying when they shall appear; this I can truly say, wee were sollicitously carefull (according to the little tyme wee had) not to write any thing that might be matter of just offence, and I hope a favourable interpretation of words (our intention being rightly understood) may free it from blame. Concerning the arguments you alledge to warrant the designe, I shall forbear to say any thing att present, not haveing either
of

of your letters by mee, but rather leave them to be answered by the elders, whoe it is likely will shortly visit you upon other accounts, and for my selfe I hope to waite upon you att the court, when wee may have opportunity to speak further about the same; and for those many heavy imputations, which your last letter [134] chargeth us with, being chiefly grounded upon the tyme and manner of sending our letter (of which I had noe knowledge) I hope you will see cause to excuse mee of as noe wayes discerning the same, foe humbly praying the God of love and peace to preserve us in peace and unity, and this whole plantation from wayes of sin and provocation, I remain your worships unfeynedly
to love and fear you in the Lord,

21st of 6th mo. 1643.

Simon Bradstreet.

Copy of a Letter⁹⁸ from Mr. Endecott to Governor Winthrop, about the Misdemeanors of Griffin's Company at Gloucester.

Dearest Sir,

I Heard nothing further of Glocester busines till the 3d day of this week at even, when I received a letter from Mr. Blinman, together with a complaint of the towne against Griffens companie for severall misdemeanors. And at the foote of the complaint a referrence from yourselfe and 3 other magistrates to me, for the redresse of them. I therefore dispatched away a messenger betimes the next morning, with a letter to Mr. Griffen, that he would send me such of his men whose names I had underwritten his letter, to answer to the misdemeanors of sabbath-breaking, swearing and drunkennes: And withall I sent a letter with instructions to Mr. Blinman, with a warrant addressed to the constable. That if Mr. Griffen would not send his men that the constable

⁹⁸ The original is in the library of the Massachusetts Historical Society. W.

stable should attach their persons and bring them before mee: If they did resist or refuse, not to strive with them nor to use any provoking termes, but to take witnes of their carriage and to returne mee an answer; which here I have sent you inclosed. I would have proceeded against them according to your former directions (to wit) with force: but I had rather, if you see good, trye first another way, which is, to send a prohibition, [135] under your and divers of the magistrates hands besides, forbidding Mr. Steephens and the rest of the ship-carpenters there, or any where within this jurisdiction, upon some penaltie, not to worke a stroke of worke more upon Mr. Griffens ship till they had further order from the Governor, &c. I desire therefore to heare from you what you would have done. In the meane tyme I have written away another letter to Mr. Griffen, wishing him to counsell his men (if he cannot command them) to submit to authority, seeing they stand out to their owne los and disadvantage. What his returne will be you shall heare assoone as I can send it

I pray you, good Sir, let me be excused from coming to this court, for I am not fitted for winter journeys, and for such bad wayes as we must passe.

I want much to heare of your sonnes iron and Steele. If the country will not be encouraged by so usefull a designe, to enlarge themselves for the advantage of it, I know not what will.

The Lord our good God in mercy keepe you and yours, to whose grace I committ you and rest

Yours truly and unfeignedly,

Salem, 1. 10 mo. 1643.

Jo. Endecott.

I am glad to heare of your sonne Mr. Steevens safe returne, together with his beloved. I desire to be kindly remembered to them both.

Copy of a Letter⁹⁹ from Mr. Endicott to Governor Winthrop.

Dearest Sir,

I must needs acknowledge I was somewhat grieved when I heard of Haddock's cariage to yourselfe, and Mr. Paynes staying aboard that they could not be commanded ashore upon any occasion. I thought then of Castle Island that it would be of good use to controule such fellows: [136] But to be any strength to your towne or countrie I cannot see it. I veriey think that the country will be verie willing that there may be a fort there, built at the chardges of the townes thereabouts: And to understand their willingness or consent to it, I think it may be done by what is propounded, viz. to send to the magistrates and deputies, or, if you see good, to the magistrates and deputies of the severall shires, who may easily come together without any chardge to the countrie. We have here in Essex, appointed a day to meet at Salem, viz. the 22d of the next month, to consider of some thinge for the common wealth, according to an order of court. Now then I think it will be soone enough to send in our counsell or consent therein, seeing little can be done to the work in the meane tyme.

I heare you have great sights upon the water seen betweene the castle and the towne; men walking on the water in the night ever since the shippe was blown up, or fire in the shape of men. There are verie few doe believe it, yet here is a great report of it brought from thence the last day of the week.

The maid¹⁰⁰ is now going along with us to Orchard,¹⁰¹ where your sonne shall be heartilie welcome.

I am glad that the Mohawks newes is false. The Lord continue peace unto us if it be his blessed will, to whose grace I committ you, and ever rest your assured loving

friend and servant,

29 of mo. 11. 1643.

Jo Endecott.

Copy

⁹⁹ The original is in the library of the Massachusetts Historical Society. W.

¹⁰⁰ Mr. Endecott's daughter, this being the language of the day. H.

¹⁰¹ His farm three or four miles from Salem. H.

Copy of a Letter from Sir William Berkeley, Governor of Virginia, to the Governour of New-England about Mr. Chew's Servants.

Worthy Sir,

HAVING received intelligence and complaint from Mr. John Chew, merchant, that certaine of his servants being run away about May 1643, and are now resident [137] in your collony of New-England, I desire you will please to assist this Gentleman, the bearer, in the regaining of them by all possible means that may be, it being but an accustomed favour reciprocally shown upon all occasions, eyther to other, in which at noe tyme we shall be defective as we expect the like from you; he hath made it appear in court they are his servants; their names are Walter Joy, William Woodhead, and Henry King, alias Eny, soe not doubting of your assistance herein I rest,

Your servant,

Virginia 12th June 1644.

William Berkeley.

Copy of a Letter¹⁰² from Sir Henry Vane¹⁰³ to Governor Winthrop.

Honoured Sir,

I Received yours by your sonne, and was unwilling to let him returne without telling you as much. The exercise and troubles which God is pleased to lay upon these kingdomes and the inhabitants in them, teaches us patience and forbearance one with another in some measure, though there be difference in our opinions, which makes me hope that, from the experience here, it may also be derived to yourselves

¹⁰² The original is in the library of the Massachusetts Historical Society. W.

¹⁰³ Mr. Winthrop had obliged Mr. Vane to leave the Massachusetts and return to England. This letter was wrote when Mr. Vane's interest in Parliament was very great. It shews a good spirit and the reproof is decent as well as seasonable. H.

selfes, leaft whilst the congregational way amongst you is in its freedom, and is backed with power, it teach its oppugners here to extirpate it and roote it out, from its owne principles and practice. I shall need say noe more knowing your sonne can acquaint you particularly with our affairs.

Sir I am

Your affectionate friend,
and servant in Christ,

June 10. 1645.

H. Vane.

Pray commend me kindly to your wife,
Mr. Cotton and his wife, and the rest
of my friends with you.

PREFATORY NOTE BY THE EDITOR.

[The Records of the Commissioners for the United Colonies are printed in Vol. IX of the Plymouth Colony Records, (Boston, 1859.) A similar copy is preserved at Hartford, and a copy of that record has been used in collating the present text. The copy which doubtless once belonged to Massachusetts, was probably the one used by Hutchinson. As the latter seems to have modernized the spelling of some Indian names, we here note the form preserved in the Plymouth record: Narrohigganset and Myantenomy, in place of Narrowgansett and Miantonimo, used by Hutchinson. Other differences are noted when they occur.

From this volume we learn something of the cause of this Declaration, viz. "Boston, Massachusetts, the 28th of the 4th mo., 1645, a meeting extraordinary of the Commissioners of the United Colonies, called by speciall order of the general Court of the Massachusetts, John Winthrop, Herbert Pellam, esquires, Mr. Thomas Prince, Mr. John Browne, George Fenwick, Edward Hopkins, esquires, Theoph. Eaton, esquire, Mr. Stephen Goodyear." "John Winthrop was

chosen President for this meeting of the Commissioners. The Commissioners desired to know the special occasion of this meeting. The Commissioners for the Massachusetts answered that it was concerning ye French business, which not being fully prepared this day, and the war between Pesquos and Uncas being begunne, and requiring speedy course, &c., it was agreed to take that first into consideration." Messengers were accordingly sent, viz., Serg^t John Davis, Benedict Arnold, and Francis Smith, to request both parties to come or to send to Boston. The record continues, "Our messengers being returned, Benedict Arnold our interpreter informed us upon his oath of the answer he received and what usage he found from the sachims of ye Narrohigganset and Naan-tick as appears in the declaration hereafter inserted; they brought us alsoe a letter from Mr. Roger Williams wherein he assureth us that the warre will presently break forth, and that the Narraganset sachims have lately concluded a neutrality with Providence and the towns upon Aquidnett Island, Whereupon the Commissioners considering the great provocations afforded, and the necessity we shall be put unto of making warre upon the Narragansets &c, and being alsoe carefull in a matter of soe great weight and genrall concernment to see their way cleared, and to give satisfaction to all the Colonies, did thinck fit to advise with such of the magistrates and elders of the Massachusetts as were then at hand, and alsoe some of the chief military commanders there, who being assembled it was yn agreed," that they were bound to render speedy and effectual aid to the Mohegen sachim. "4. The justice of the warre being cleared to ourselves and the rest then present, it was thought meet that the case should be briefly stated and the reasons and grownds of the warre declared and published, which declaration is hereafter inserted."

The 5th day of the week following was appointed as "a day of humiliation," and the troops to be raised were apportioned,

tioned, 190 to Massachusetts, 40 to Plymouth, 40 to Connecticut, and 30 to New Haven.

Afterwards the General Court was assembled and was informed "that the Commissioners had drawn up a declaration of the justice and necessity of this warre, which was openly read to them."

The session at Boston lasted until the 1st of the seventh month, 1645.]

[138] A Declaration of former Passages and Proceedings betwixt the English and the Narrowganetts, with their Confederats, wherein the Grounds and Justice of the ensuing Warre are opened and cleared.

Published ¹⁰⁴ by Order of the Commissioners of the United Colonies at Boston, the 11th of the 6th Month, 1645.

THE most considerable part of the English colonies professe they came into these parts of the world with desire to advance the kingdome of the Lord Jesus Christ, and to enjoy his precious ordinances with peace; and (to his praise they confesse) he hath not failed their expectation hitherto, they have found safety, warmth and refreshing under his wings, to the satisfaction of their soules. But they know and have considered that their Lord and Master is King of righteousness and peace, that he gives answerable lawes, and casts his subjects into such a mould and frame, that (in their weake measure) they may hold forth his vertues in their course and carriage, not onely with the nations of Europe, but with the barbarous natives of this wilderness. And accordingly, both in their treaties and converse, they have had an awfull respect to divine rules, endeavouring to walke uprightly and inoffensively, and in the midst of many injuries
and

¹⁰⁴ Made publick. I never met with it in print. H.

and insolencies, to exercise much patience and long suffrance towards them.

The Pequotts grew to an excessive of violence and outrage, and proudly turned aside from all wayes of justice and peace, before the sword was drawne or any hostile attempts made against them. During those warres, and after the Peqotts were subdued, the English Colonies were carefull to continue and establish peace with the rest of the Indians, both for the present and for posterity, as by severall treatyes with the Narrowganfet and Mohiggin Sagamores may appeare. Which treaties, for a while [139] were in some good measure duely observed by all the Indians; but, of late, the Narrowganfets, and especially the Nyanticks their confederats, have many wayes injuriously broken and violated the same, by intertaineing and keeping amongst them, not onely many of the Pequot nation, but such of them as have had their hands in the blood and murder of the English, seizing and possessing at least a part of the Pequot country; which, by right of conquest, appertaines to the English; by alluring or harbouring and withoulding severall Pequot captives fled from the English, and making proud and insolent returns when they were redemanded. And, more lately, the English had manie strong and concurrent Indian testimonies from Long Island, Uncoway, Hartford, Kinnibeck,¹⁰⁵ and other parts, of Miantonimoes ambitious designs, travelling through all the plantations of the neighbouring Indians, and, by promises and gifts, labouring to make himselfe their universal Sagamore or governor, perswadeing and engaging them, at once, to cut off the whole bodie of the English in those parts. Which treacherous plotts were confirmed by the Indians generall preparations messages, insolencies and outrages against the English and such Indians as were subjects or friends to them; so that the English colonies, to their greate charge and damage, were forced to arme, to keep strong watch, day and night,

¹⁰⁵ Hinman says that the word in the Hartford copy looks more like Enebeck. W.

night, and some of them to travell with convoyes from one plantation to another, and when Miantonimo, in his circular travell, was questioned at Newhaven concerneing these things, instead of other and better satisfaction, he threatned to cutt off any Indians head that should lay such a charge upon him to his face.

The commissioners, by the premisses, observed Miantonimoes proud and treacherous disposition, yet thought not fitt to proceed against him in that respect, till they had collected more legal and convinceing prooffe.

But while these things were under deliberation, Miantonimo was brought prisoner by Uncas to Hartford, and the case being opened and cleared as followeth, he craved the commissioners advise how to proceed with him. -

[140] It appeared that in a treatie made with the English, at the Massachusetts Anno 1637, Miantonimo engaged himselfe not to fight with any of the Indians, and particularly not to invade Uncas without the English consent; and after in a tripartite agreement made and concluded at Hartford betwixt Miantonimo and Uncas with reference to the English, Anno 1638, in which one of the articles runns, That though either of the said Indian Sagamores should receive injury from the other, yet neither of them shall make or begin warre, untill they had appealed to the English, and till their grievances were first heard and determined, and if either of them should refuse, the English might assist against, and compell the refusing and obstinate partie.

Notwithstanding which, Miantonimo and his confederates have both forcibly and openly plotted and practised against the life of Uncas not at all acquainting the English or advising with them; but more especially of late, since the fore-mentioned plotts and designs were in hand.

First a Pequott Indian, one of Uncas his subjects, in the spring 1643, ayming at Uncas life, shot him with an arrow through the arme, and presently fled to the Narrowgansetts
to

or their confederates, boasting in the Indian plantations that he had killed Uncas. But when it was known that Uncas (though wounded) was alive, the Pequot (taught as was supposed) changed his note, affirming that Uncas had cut through his owne arm with a flint, and had hired him to say he had shott and killed him.

Miantonimo, being sent for by the governour of the Massachusetts upon another occasion, brought this Pequott with him and would have covered him with the former disguise, but when the English, out of his own mouth, found him guilty and would have sent him to Uncas his Sagamore, Miantonimo earnestly desired he might not be taken out of his hands, promising he would send him safe to Uncas to be examined and punished.

But feareing (as it seems) his own treachery would be discovered in a day or twoe, he stopped the Pequotts mouth by cutting off his heade; but at parting he tould [141] the governour in discontent that he would come no more to Boston.

After this some attempts were made (as is reported) to take away Uncas life by poyson, and by forcery; these faileing, some of Sequassons companie (an Indian Sagamore allyed unto and an intimate confederate with Miantonimo) shott at Uncas, with an arrow or two, as he was goeing downe Connecticut river.

Uncas, according to the forementioned treatie (1638) complained, and the English, by mediation, sought to make peace, but Sequasson expressing his dependance on Miantonimo refused, and chose warre. They fought and Uncas had the victory.

Lastly, Miantonimo, without any provocation from Uncas (unless the disappointment of former plotts provoked) and suddenly, without denouncing warre, came upon the Mohegins with 900 or 1000 men, when Uncas had not halfe so many to defend himselfe. Uncas, before the battle, tould
Miantonimo

Miantonimo that he had many wayes sought his life, and for the sparing of blood offered by a single combate betwixt themselves to end the quarrell. But Miantonimo presuming upon his number of men, would have nothing but a battle. The issue fell contrary to expectation, his men were routed, divers of considerable note slain, and himselfe taken prisoner.

These things being duely weighed, the commissioners judged that Uncas could not be safe while Miantonimo lived: Wherefore, they thought he might justly put such a treacherous and blood-thirsty enemy to death; but advised him to doe it in his owne jurisdiction, without torture or cruelty.¹⁰⁷

And Uncas, having hitherto shewed himselfe a friend to the English, and in this and former outrages (according to the treatie) craveing their advise, if the Narrowgansetts or their confederates should, for his just execution, unjustly assault him, the commissioners for the colonies promised to assist and protect him.

[142] Uncas hereupon slew an ennemie, but not the enemy against him. The Narrowgansetts soon fell to new contrivements. They pretended they had payd a rancome for their Sachems life, and gave in particulars to the value of about forty pounds. This, for a while, cast an imputation of foule and unjust dealing upon Uncas: But, in September 1644, the English commissioners, meeting at Hartford, sent for the Narrowgansett Sachems, or their deputies, desiring they might be instructed to make good their charge.

Uncas came himselfe; they sent their deputies. But after due examination it appeared, though some loose discourse had passed that, for such quantities of waompum and such parcells of other goods, to a great value, there might have been some probability of sparing his life, yet no such parcells were brought, and the Narrowgansett deputies did not alledge

¹⁰⁷ The best that can be said of this advice is, that it was politick. Miantonimo was a man of great spirit. The English were in more fear of him than of any other Indian upon the continent. H.

alledge, much lesse prove, that any ranfome was agreed, nor so much as any serious treatie begun to redeeme theire imprisoned Sachem; and as for the waompum and goods sent, as they were but small parcells, and scarce considerable for such a purpose, so they were disposed of by Miantonimo himselve, to sundry persons, for curtesies received during his imprisonment, and upon hope of further favour.

The Narrowgansett deputies saw theire proofes fell farre short of former pretences, and were silent. The commissioners promised that, upon better evidence hereafter, they should have due satisfaction.

Whereupon a truce was made, and both parties were engaged that all hostility should cease till planting time 1645, and after that they would give thirty dayes warning either at the Massachusetts or Hartford before the truce should cease. Yet in February last, the Narrowgansetts by messengers sent to Boston, declared that unless Uncas would render 160 fadom of waompum, or come to a new heareing within six weekes they would begin the warre.

This crossed the former agreement, and the season was such that neither the commissioners could be advised with, nor could Uncas travel if notice had been given. After which about or before planting time Tantaqueison¹⁰⁸ a Mohegin [143] captaine who took Miantonimo prisoner was dangerously and treacherously wounded, at night, as he slept in his wigwam, an other hostile arts were on both parts attempted in a private and underhand way, as they could take advantage one against the other.

But since the Narrowgansetts have at several times openly invaded Uncas so that Connecticut and New-Haven were forced, according to ingagement, to send men from those colonies for his present defence, but with expresse direction not to begin any offensive warre against the Narrowgansetts or their confederates till further order.

In

¹⁰⁸ The Plymouth copy reads Tantoqueison; Hinman reads Tantoquayson. W.

In the mean time, messengers were sent to the Narrowgansetts from the generall court in the Massachusetts signifyeing the commissioners meeteing, promising their grievances should be fully and justly heard; and requiring a cessation of warre in the meane time, but they refused; and heareing, probably, that the English from the Westerne colonies were returned, they made a new assault upon Uncas, and have done him much hurt.

The commissioners being met sent messengers, the second time, both to the Narrowgansetts and Moheggin Indians, minding them of the former treatie and truce, desiring them to send their deputies instructed and furnished with authority to declare and open the grounds of the warr, to give and receive due satisfaction, and to restore and settle peace.

At first, the Narrowgansett Sachem gave a reasonable and faire answer, that he would send guides with them to the Moheggins, and if Uncas permitted he would send his deputies to the commissioners, and, during eight dayes, hostility should cease; but he soone repented of his moderation, tould the English messengers his mind was changed, sent private instructions to the Nyantick Sachem, after the delivery of which there was nothing but proud and insolent passages; the Indian guides which the English messengers brought with them from Pumham and Soconoco,¹⁰⁹ were by frownes and threatning speeches discouraged, and returned; no other guides could be obtained, though much pressed; they knew (as they expressed themselves) by the course held at Hartford the last yeare, that the commissioners [144] would mediate and presse for peice, but they were resolved to have no peace without Uncas his head, it mattered not who began the warre, they were resolved to continue it; the English should withdrawe their garrison from Uncas, or they would take it as a breach of former covenants, and would procure as many Moquakes¹¹⁰ as the English should affront them with; that they would

¹⁰⁹ The Plymouth copy reads Sokakanoco. W.

¹¹⁰ Maquas or Mohawks. H. The Plymouth copy reads Mowhauges. W.

would lay the English cattle on heapes as high as theire houses; that no English man should stepp out of his house to pisse, but he should be killed.

They reviled Uncas, charged him with cutting through his owne arme, and saying the Narrowgansetts had shott him; affirmed, that he would now murder the English messengers, as they went or returned, (if he had opportunity) and lay it upon the Narrowgansetts.

The English messengers, upon this rude and uncivill usage, wanting guides to proceed, and fearing danger, returned to the Narrowgansetts, acquainted Peficus with the former passages, and desired guides from him, he (in scorn, as they apprehended it) offered them an old Pequot squawe, but would afford no other guides. There also they conceived themselves to be in danger, three Indians with hatchets standing behind the interpreter in a suspicious manner, whilst he was speaking with Peficus, and the rest frowneing and expressing much distemper in theire countenance and carriage. The English messengers, not hoping for better successe at that time, departed; telling Peficus, that if he would returne any other answer, he should send it to the English trading house, where they intended to lodge that night. In the morning, he invited them to returne, and promised them a guide to Uncas, but would grant no cessation of armes. When they came to Providence, they understood that, in their absence, a Narrowgansett Indian had been there, and faineing himselfe to be of Connecticut, spake in that dialect, but could not put off the Narrowgansett tone. He told Benedict Arnolds wife (who well understands the Indian language) that the English messengers should not passe to the Moheggins; [145] he knew they should have no guides, but should be destroyed in the woods, as they travelled towards Uncas.

Thus the English messengers returned, and the interpreter, under his hand and upon his oath, related the former passages, with others lesse materiall, more largely.

Mr.

Mr. Williams, by the messengers, wrote to the commissioners. assuring them that the country would suddenly be all on fire, meaning by warre; that, by strong reasons and arguments, he could convince any man thereof that was of another mind; that the Narrowgansetts had been with the plantations combined with Providence and had solemnly treated and settled a neutrality with them, which fully shewes their counsellors and resolutions for warre.

Thus while the commissioners, in care of the public peace, fought to quench the fire kindled amongst the Indians, these children of strife breath out threatnings, provocations and warre against the English themselves. So that unless they should dishonor and provoke God, by violating a just ingagement, and expose the colonies to contempt and danger from the Barbarians, they cannot but exercise force, when no other means will prevaile, to reduce the Narrowgansetts and their confederates to a more just and sober temper.

The eyes of other Indians, under the protection of the Massachusetts and not at all engaged in this quarrell, are (as they have expressed themselves to the English messengers) fastned upon the English with strict observation, in what manner and measure they provide for Uncas safety. If he perish, they will charge it upon them, who might have preserved him; and no Indians will trust the English, if they now breake ingagement, either in the present or succeeding generations. If Uncas be ruined in such a cause, they foresee their heads, upon the next pretence, shall be delivered to the will of the Narrowgansetts, with whom therefore they shall be forced to comply as they may, for their future safety, and the English may not trust an Indian in the whole country. The premises being duly weighed, it clearly appears that God calls the colonists to a warre.

[147] The Narrowgansetts and their confederates rest on their numbers, weapons and opportunities to doe mischief, and probably as of old, Ashur, Amaleck, and the Philistines,
with

with others, did confederate againſt Iſrael, ſo Satan may ſtirre upp and combine many of his inſtruments againſt the churches of Chriſt: But their Redeemer is the Lord of Hoſtes, the mighty one in battaile, all the ſhields of the earth are in his hands, he can ſave by few or by weake meanes, as well as by many and greate. In him they truſt.

Conventio¹¹¹ inter Iohannem Endecott, Gubernatorem Maſſachuſets in Nova Anglia, et reliquos Magiſtratus ibidem, et Dominum Marie, Delegatum Domini Aulnay, Militis, Gubernatoris et Deputatus Sereniſſimi Regis Galliæ in Acadia, Provinciâ Novæ Franciæ, facta et firmata apud Boſton in Maſſachuſets predictum, 8. Die Menſis 8. 1644.

DOMINUS Gubernator et reliqui Magiſtratus promittunt Domino Marie prædicto, quod illi et omnes Angli infra iurisdictionem Maſſachuſets in Nova Anglia firmam pacem colent et ſervabunt cum Domino D'Aulnay, Gubernatore,

¹¹¹ The volume of Proceedings of the Commiſſioners contains the following articles of peace with D'Aulnay. "The ratification was drawn up as followeth in Engliſh (but it was tranſlated into Latin) and under the former agreement exemplified." As Hutchinſon prints only the Latin form, a portion of which mss. is preſerved in his papers in the Maſſ. Hiſt. Society's Library, the original Engliſh document is here reprinted.

An agreement between Jno. Endicott Governour of ye Maſſachuſets in New-England and the reſt of the Magiſtrates there, and Mons^r. Marie, Commiſſioner for Mons^r. de Aulnay, Knt, Governour and Lieſtenant of his highnes the King of France, in Accaday, a province of New France, made and confirmed at Boſton in the Maſſachuſets aforeſaid, the 8th of 8, 1644.

The Gouv^rnor and Magiſtrates doe promiſe to Mons. Marie aforeſaid, that they and all the Engliſh within the juriſdiction of the Maſſachuſets in New England, ſhall obſerve and keep firme peace with Mo^rr De Aulney, Gouv^rnor &c. and all the French under his gov^tm^t in Accady; and alſo Mor. Marie promiſeth for Mor de Aulney that he and all his people ſhall keep firme peace alſo with the Gouv^rnor and Magiſtrates aforeſaid, and all the inhabitants of the ſayd juriſdiction of the Maſſachuſets; that it ſhall be lawfull for all their people as well French as

tore, &c. et omnibus Gallis sub potestate ejus in Acadia, &c. Et Dominus Marie promittit pro Domino D'Aulnay, quod ille et homines ejus firmam pacem fervabunt, etiam cum Gubernatore et Magistratibus prædictis et omnibus inhabitantibus in jurisdictione Massachusets prædicto. Et quod bene licebit omnibus hominibus, tam Gallis quam Anglis, mutua commercia exercere inter se; ita ut, si aliqua occasio offensionis acciderit, neuter eorum attentabit aliquid hostili modo contra alterum, nisi manifestatio et querela de injuria prius

English to trade each with other, so as if any occasion of offence should happen neither of them shall attempt anything against the other in a hostile way, except complaynt and manifestation of the injury be first made, and satisfaction according to equity be not given. Provided allwayes that the Gou'rnor and Magistrates aforesayd be not bound to restraine their merchants from trading with their ships with what people soever, whether French or others, in what place soever inhabiting. Provided allsoe that the full ratification and conclusion of this agreement be referd to the next meeting of the Commissioners of the United Colonies of New England for the continuance or abrogation thereof, and in the meane time to remaine firme and inviolable.

The Commissioners of the United Colonies of New England having perused and considered the agreement and articles above written, and being desirous that a firme and generall peace might be mayntayned between the English and all their neighbours that evrie one might pursue the common intention of subduing this wilder nesse for the use of man in that way for which the earth was first given to the sonnes of Adam, and for bringing these barbourous people first to civility and soe by divine assistance to the knowledge of the true God, and our Lord Jesus Christ, it seems fitt and necessary unto them that the agreement and articles before specified comprehending therein all the sayd United Colonies, should be confirmed. But whereas there are certain questions and injuries on both parts alledged and charged, the Commissioners are willing that in due tyme and place the same shall be fully heard and composed according to justice, and that peace in the meane tyme be fully and firmly kept by the English Colonies, according to the late agreement. Provided that Mon'r de Aulney under his owne hand doe confirme and observe the same.

These foregoing conclusions were subscribed by the Commissioners for the severall jurisdictions this second of September, 1645.

John Winthrop Presd't
Herbert Pelham
Thomas Prence
John Browne

George Ffenwick
Edward Hopkins
Theoph. Eaton
Stephen Goodycare

W.

prius facta, ac satisfactione secundum æquitatem non præstita. Proviso semper, quod Dominus Gubernator et Magistratus prædicti non teneantur cohibere mercatore suos commercia exercere cum navibus suis cum quibuscunque hominibus, five Gallis five [147] aliis ubicunque locorum degentibus. Proviso etiam, quod plena ratificatio et conclusio hujus conventionis ad proximum conventum Delegatorum Confæderatarum Coloniarum Novæ Angliæ deferatur, pro continuatione vel abrogatione ejusdem, et interim firma et inviolato manebit.

CONVENTIONE et articulis superscriptis a Delegatis Confæderatarum Coloniarum Novæ Angliæ prælectis et matura consideratione eorum habitis, cum in animis eorum semper fuerit, ut pax firma et perpetua inter omnes Anglos et propinquos eorum universos instaurata maneret: Ita ut unusquisque communem omnium intentionem incultæ hujus regionis in usum humani generis (qua ratione universa terra a Deo primò Adami filiis donata fuit) subigendæ prosequatur, nec non ut barbaras has gentes, bonis moribus prius instructas, ad veri Dei et Domini nostri Jesu Christi cognitionem (Divino favente Numine) tandem perducamus, æquem et necessarium illis videtur, ut conventio et articuli prædicta (omnibus confæderatis Coloniis prædictis in illis unâ comprehensis) confirmare debeant. Sed cum plurimæ quæstiones et injuriæ ex utraque parte et alligatæ et objectæ sint, Delegati easdem, opportuno tempore et loco exaudire et secundum justitiæ normam componi, et interea pace a confederatis Novæ Angliæ Coloniis plene et firmiter, secundum conventionem prædictam, conservari volunt; ea lege, ut Dominus D'Aulnay eandem, chirographo suo signatam, confirmare etiam et observare velit. In quorum fidem et testimonium, Delegati prædicti chirographa sua præsentibus apposuerit.

Datum

Datum Boston in Nova Anglia tertio die Septembris, Anno Domini 1645.

Geo. Fenwicke,	Jo. Winthrop, Præses,	
Edw. Hopkins,	Herbert Pelham,	Tho. Prince,
	Theoph. Eaton,	John Browne,
	Stephen Goodyear.	

[148] Commission¹¹² and Instructions from the Commissioners of the United Colonies to Maj. Gibbons.

THE Commissioners of the united colonies of New-England being to appoint a commander in chiefe, over all such military forces as are to be sent forth and employed, not only in ayde of the Moheggin sachem, but also against the Narrowgansett and Nianticks and other their confederates, who in making warre upon Uncas the Moheggin sachem contrary to former treaties and agreements, are now become as well our enemies as his in regard of our engagement. The said commissioners having sufficient knowledge of the piety, courage, skill and discretion of you Major Edward Gibbones, doe hereby committ unto you the charge, conduct, command and government of all the said military forces, with all such armes, and ammunition, provisions and other apparutenances, with

¹¹² The Record of the Commissioners already cited gives some particulars as to this appointment. It seems that the action of the Commissioners in sending off forty men to aid Uncas, before the General Court met, caused many sharp discussions. It was finally agreed "that it did belong to the Commissioners only to appoint one to have command in chief over all the forces to be sent from the several colonies, and therefore desired them to consider of a man fit for soe weighty a service. The Commissioners willing to show all respect to ye Massachusetts, agreed to make choice of one out of that Colonie; and accordingly divers able and sufficient men being propounded at last they made choice of Major Gibbons." The commission and instructions which follow have been collated with the Plymouth copy. The spelling of the Indian names is preserved as in Hutchinsof, though differing from the other copy. W.

with all officers thereto appointed, to be ordered managed and disposed of upon all occasions by yourselfe and your councell of warre, according to the course of military discipline, and according to such instructions as you shall receive from the said commissioners from the time of your setting forth in your march untill your returne, or sufficient discharge sent you from the same authority. You have power also hereby (with advise of your councell of warre) to use and execute martiall discipline upon all offenders and delinquents as occasion shall be, by fynes, corporall punishment, and capitall punishments also if need shall require. And all persons whatsoever employed under you in this service, are hereby required to yeeld due obedience and subjection to all your lawfull commands, according to the quality and power wherewith you are hereby invested. You have also power to command and order all such barks and other vessels which are to be sett forth in the said service, with all seamen, fouldiers, ammunition and provisions in them. And the said commissioners doe hereby constitute and appoint Capt. Myles Standish, Capt. John Mason, Capt. John Leverett, Lieut. Robert Seeley (or such [149] other as shall have chiefe command of the forces coming from New-Haven) Lieut. Humphry Atherton, and the rest of the Lieutenants under your command, to be your councell of warre, whereof yourselfe to be president, and to have a casting voyce; and you and your said councell or the greater number thereof, shall have power from tyme to tyme, as a councell of warre, to manage all affaires concerning the same, and to joyne to you any other discreet and able officer or officers to be of your said councell, as you see meete. You have also power hereby, upon any necessary occasion to make new officers and to give them titles futable to their places.

Given under the hands of the said Commissioners at Boston, in the Massachusetts, this 19th (6th) 1645.

Instructions

Instructions for Sergeant Major Gibbones, commander in cheife of our military forces, and for such as are joyned unto him in a councell of warr.

WHEREAS you Sergeant Major Edward Gibbones are appointed commander in cheife of all such forces as are or shall be sent forth of the severall colonies, as by your commission bearinge the date of these presents doth more fully appeare, and whereas there is joyned to you by the same authority, as a councell of warre, divers of your chiefe officers, persons of approved worth and fidelity, as in the said commission they are more fully expressed: And whereas the cause and scope of this expedition is not onely to ayde the Moheggins, but to offend and invade the Narrowgansetts, Nyanticks, and other their confederates, who, upon making warre upon Uncas the Moheggin Sachem, contrary to their ingagements, are become as well our enemies as his: Yet it being the earnest desire of the commissioners, if it may be obtained with justice, honour and safety, to procure peace, rather than to prosecute warre; it is first commended to your good discretions to take any fitt occasion, or (if with safety you may without any considerable delay or danger to your proceedings) to use meanes to drawe on such a peace, [150] which you have hereby power to treat and conclude, wherein you are to take due consideration of the charges the colonies have expended in the warre, which you may estimate by the numbers of men sent forth at several times, by their continuance abroad, with wages and provisions appertaineing. And of the damage which Uncas hath sustained since the warre began, wherein it were meete (if it may be done with conveniency) he were consulted with, that both the colonies and he may receive just satisfaction and repaire; which if the Narrowgansetts cannot presently make, a considerable part may be paid in hand, and the rest by a yearely tribute; but withal, according to our ingage-
X
ments,

ments, you are to provide for Uncas his future safety, that his plantations be not invaded, that his men and squawes may attend their planting, fishing and other occasions, without feare or injury; and that Offwomekin, Pumham, Soconoko, Cutchamekin, and other Indians, friends or subjects to the English, be not molested, which will disturb the peace and draw on further charge and inconvenience. But a peace well framed will hardly be secured, unless either some of the chiefe Sachems deliver their sonnes as hostages, or that some considerable part of their country be yeilded to the English for plantations, wherein there may be forts built by the English and maintained (at least in part) by a tribute from the Narrowgansetts, to secure the agreement. And it might probably conduce to the settling or preserving of peace, if a trade were settled betwixt the colonies and them; by which they might be supplied with necessaries, but peeces and powder kept backe, which other traders furnish them with. If you cannot conclude a peace with them, upon the termes above mentioned (to prevent greater inconvenience) you may abate somewhat of our charges, and of the damage Uncas hath sustained: But much care must be taken to secure both our and his future peace, which, if it may be done by raising forts and keeping garrisons in the Narrowgansett and Nyantick countries, at their charge, though we require hostages as above, they may be restored when the fortifications are finished and [151] their payments made; and the articles are to be agreed and confirmed by the commissioners for the united colonies at their next meeting, otherwise to be of no force. But if peace may not be obtained in such a way as is before expressed, you are then with all prudent celerity to prosecute with force of armes the said Narrowgansetts and Nyanticks, and all such as shall assist them, until you may (through the Lords assistance) have subdued them or brought them to reason. And if the necessity of the service shall require a further ayde of men or provisions (be it one hundred, more

or

or lesse) upon your letters of advise to the Governors of the severall colonies, supplies shall be speedily sent to you, according to the proportion agreed.

You are to make faire warres, without exercising cruelty, and not to put to death such as you shall take captive, if you can bestowe them without danger of your owne. You are to use your best indeavours to gaine the enemies canowes, or utterly to destroy them, and herein you may make good use of the Indians our confederates, as you may doe upon other occasions, having due regard to the honour of God, who is both our sword and shield, and to the distance which is to be observed betwixt Christians and Barbarians,¹¹³ as well in warres as in other negociations. If you find any English stragglers, traders or others, whom you shall suspect to give intelligence or to furnish with armes and ammunition, or to give any other ayde to the enemy, you may secure them and send them to Boston. All other of our countrymen, carrying themselves peaceably and inoffensively, shall be in peace by you, and if you have occasion to make use of any of their boates or vessels, cattle, provision or other goods, you shall be very tender of endamaging them, and you shall give them a ticket whereby they may receive due satisfaction from the colonies or some of them.

[152] When you shall meetewith the forces which come from the confederates of Plimouth, Connecticut and New-Haven, or any of them, yourselfe and the councell may order and dispose of them, into such bodies and under such of the commanders as you shall find to be most convenient, and most agreeable to the service, having care to give no just occasion
of

¹¹³ It seems strange that men who professed to believe that God hath made of one blood all nations of men for to dwell on all the face of the earth, should so early and upon every occasion, take care to preserve this distinction. Perhaps nothing has more effectually defeated the endeavours for christianizing the Indians. It seems to have done more : To have sunk their spirits, led them to intemperance, and extirpated the whole race. H.

of offence or discontent to any of the commanders or officers of any of the colonies.

We doubt not but yourselfe and your councell knowing well how precious the lives and healths of our men are among all our colonies, and how greate charge this warre is like to bring upon us, will be very careful in preserving and husbanding both to the best advantage; so as we shall not need to give you any instructions and directions about the same, but shall rest satisfied in the confidence we have of your wisdom and faithfulness to be improved, through the Lords assistance and blessing upon you, in this service, for his owne glory and his peoples safety and prosperity in this wilderness.

If the enemy flie, so that you cannot come to fight with him, it may be expedient that you build one or more fortifications in the most convenient places of the Narrowganset or Nyantick countries, into which you may by the helpe of the Indians our friends, gather and preserve the enemies corne and other goods for the advantage of the service.

Lastly, (yet above all the rest) we commend to your christian care the upholding of the worship of God in your armie, and to keepe such watch over the conversation of all those under your charge, as all prophaneness, impiety, abuse of the sacred name of God, luxury, and other disorders may be avoyded or duly punished, that the Lord may be pleased to goe forth before you, and prosper all your proceedings and returne you to us in peace, which we shall dailie pray for.

Boston the 19th (6) 1645.

[153] Copy of a Letter from Mr. Edward Winslow to Governor Winthrop.¹¹⁴

Honored Sir,
YOURS I long since received in answer of my request in behalf of my friend Mr. Sherley and thanke you for your readines

¹¹⁴ The original is in the library of the Massachusetts Historical Society. W.

readiness herein. Sir, I had written to you long since, but the truth is I could neither have content in silence or writing, by reason of some unworthy passages in our last generall court, to the great offence of our Governor Mr. Prence, mysele, and sundry others. In the middle of October we had two courts successively, the first being the last session of our election court, the other our ordinary quarter court, and both generall courts. Before either of these two, at a court of assistants, other things giving opportunity, the Governor, Mr. Collier, Capt. Standish, and mysele being there, took into consideration a matter of great concernment, as we apprehended, and agreed mutually in the thing as necessary to propound it to the generall court, which was the last session of our election court : Accordingly it was propounded, and after a whole daies agitation it was allowed and entred in the waste booke, there being but one deputy against it, and he not direct ; save onely, as he thought, it did not properly concerne that court. The next weeke, being in course another of our generall courts, came more of our magistrates that live remote and were not with us either at the court of assistants or the foregoing generall court, where this act was done ; And after a tumultuous manner excepted against the entry of that order, as pernicious and destructive to the weale of the government, with very many unseemly termes concerning others, &c. which exception of his was strengthened by 3 other of the magistrates, one whereof had joyned with us twice before and now against his own act, but made beforehand by the first excepter as well as the other two and many of the deputies : They cried [154] out to have it defaced and crossed. The Governor Mr. Prence, and mysele, would not allow it, or any other act, (Mr. Collier being absent to our greefe) to be defaced ; but if hereafter it should be found prejudiciall, it might be repealed by another act, but not otherwise. In brieve (for I am ashamed to mention particulars, especially to write them) a promise was made that it should rest till the
next

next generall court and nothing be done in it: And then, when court and country had duly thought of it, if they thought meet to repeale it they might. After this, the first excepter having been observed to tender the view of a scroule from man to man, it came at length to be tendered to mysele, and withall, said he, it may be you will not like this. Having read it, I told him I utterly abhorred it as such as would make us odious to all christian commonweales: But at length he told the Governor he had a written proposition to be propounded to the court, which he desired the court to take into consideration, and according to order, if thought meet, to be allowed: To this the deputies were most made beforehand, and the other three assistants, who applauded it as their Diana; and the sum of it was, To allow and maintaine full and free tollerance of religion to all men that would preserve the civill peace and submit unto government; and there was no limitation or exception against Turke, Jew, Papist, Arian, Socinian, Nicholaytan, Familist, or any other &c. But our Governor and divers of us having expressed the sad consequences would follow, especially mysele and Mr. Prence, yet notwithstanding it was required, according to order, to be voted: But the Governor would not suffer it to come to vote, as being that indeed would eate out the power of godlines, &c.

By this you may see that all the troubles of N. E. are not at the Massachusets. The Lord in mercy looke upon us, and allay this spirit of division that is creeping in amongst us. You would have admired to have seen how sweet this carrion relished to the pallate of most of the deputies! What will be the issue of these things our all-ordering God onely knows. Only we know, without him, [155] it shall never be; and thats our greatest comfort: But if he have such a judgment for this place, I trust, we shall finde (I speake for many of us that groane under these things) a resting place amongst you for the soales of our feet.

I had

I had not thought to have been so long; but if you have heard of the particulars and the persons, especially the ring-leader of this rout (if a rout might be in a lawfull assembly) by this generall you may gather the more insight into the particulars. Thus, saluting you and all yours, desiring my due respects may be tendered to your Governor, Mr. Endecott, Mr. Pelham, Mr. Bellingham, Mr. Saltonstall, Mr. Nowell, Mr. Hibbins, and Mr. Flint, desiring your prayers, take leave and remaine,

Your ever loveing friend,

24 (9th) 1645.

Edw. Winslow.

Copy of a Letter from Mr. James Parker¹¹⁵ at Barbados, to Governor Winthrop.

Right Worshipfull,

I Cannot but out of that respect I owe your selfe presente my respects to you in these few lines, and to give you to understand how things are here with us; we gott well to this island of Barbados through grace; here I found greater respect since my coming both from the government and people, only sorry I have been to heare told me by the governor off this place what our reverend Mr. Dudley should publicly say concerning him. The man seems to me to be wise, moderate in his way and temperate, orthodox in his judgment, and I hope godly, his natural temper is affable and not violente; this take from me as from one that will declare the truth, he would nourish and honour religion according to his light, only heresies (which this island abounds withall) he exposeth. [156] A kind respective friend he hath beene to me, he saith he desires correspondencie with you off New-England, and many able to come hither, as by my letters may appeare; I may be mistaken, but love thinks noe ill and yet not blind.

I am

¹¹⁵ I suppose he was afterwards one of the Ministers of Newbury. H.

I am here engaged to preach only for the present, the manner how I refer you to Mr. Wilson, to whom I have wrote and Mr. Cotton.

The island suites very well with my temper hitherto, through bountie, it is now and like to be very wealthy, full of sugar, cotton, indigo, and ginger, some have made this yeare off one acre off canes about 4000 weight of sugar, ordinarily 3000. Much drought now oppresseth, and I wonder, in the eye off argument, at Gods greate patience to so profaine a people for swearing and drinking as the vulgar be. It must certainly, in my apprehension, be some strong hand must reforme them.

I would not be tedious to you. There hath this yeare beene brought over 3 commissions, one from the Earle of Warwicke and commissioners with him to command this government to profess themselves for the parliament, and to lay aside their neutralitie. But this they seem not to embrace, but have answered it thus, professing their willingness to be serviceable to the kingdome, their honour for the parliament, but their yet allegiance to the King, therefore desired to be spared a little till things be settled.

There were one other for libertie of conscience, that they have thus answered, that they are not unwilling not to press any mans conscience in matters of ceremonie, only in regard there are many sects that under pretence of libertie may take occasion to denie all ordinances, and so consequently the Lords day, therefore this they would require of all, to come to the publick preaching, and that shall be sufficient.

There is a 3d, and that is to call the Governor and some off the Councill into question for some pretended acts off injustice here past. And these things to be examined by inferiour persons here, and that not off the best in matter of opinion, and that seems to exasperate.

[157] For soe much, if I should be demanded how I thinke things will goe here, I would say, I am afrayde when
I consider

I consider off the profaness off the place, and the divisions that are here and like to be, soe much I certainly would say, had not a man greater arguments to carrie hither and here, for the present, to stay him than temporalls, he would faile. How oft have I thought in my hearte, oh howe happie are New England people!

Not only thus, but even in respect off temporalls, for the common people, that have but meane estates, are very meane in respect of provisions, little flesh if any, noe bread but casader, a bread I approve not off; though its true the rich live high.

The country to my sense is not very hott, but that which I like well off; and a man with about 200 off pounds, in an ordinarie way off providence, might quickly gaine an estate by fugar, which thrives wonderfully.

Capt. Middleton, master off the Parimour, is here like to settle, as he tells me, your youngest sonne wente from New England with him into the Straits.

I cease to write any newes out off Old England, because I heare Capt. Leverate came out with theese ships here. Only we heare sayd the King defended Scotland with 600 horse and were defeated and 2 or 300 cutt off. We heare he is come to the citie, but noe certaintie off that.

I have yet sente for my wife to me, in the midst off theese greate distractions, I shall be glad to heare from yourself. Sorry I am that I have not to expresse my dear engagement to your person. Whether I shall returne for New England I know not. Only this, I thinke I shall, and I pray New England may not forgett your greate labour there and your service amongst them. The desires of my hearte, as formerly, stille be for yourselfe and familie. And if any off yours fall within my abilitie, I much mistake myselfe if my respect should not appeare. Thus, begging your helpe at the throne off grace for me, in the midst off this greate profaines I am amongst and greate heresie, with my service and respect to
Y
your

[158] your beloved, with the gentlemen your sonnes, Mr. Dudley and the rest, Major Gibbins.

I yet remaine, yours to my
utmost services,

Barbados, 24. 4th, 1646.

J. Parker.

Copy of a Letter¹¹⁶ from Mr. John Endecott to Governor Winthrop.

Dearest Sir,

I Understand by Mr. Downing, that you have received letters from Monf. D'Aulney, and that hee will send to us about the 7th month. I could wish, if you see it good, that the commissioners were acquainted with it, I meane of the severall provinces, and moved (if they see good) to be here, because I desire they may be as throughlie ingaged in what is done or may be concluded as our selves. If you intend to call a general court now, it will be in the midst of all our occasions, and the countrie will much suffer in it. If it be any tyme before D'Aulney's messenger comes to us, it will be well enough as farre as I can conceive, and if it were just at the tyme it would be the better, but I conceive that as uncertaine, unlesse hee hath appointed a certayne time, but I leave all to your better considerations. I humbly thank you for all the news you have sent us at severall tymes; we finde here the hand of God much upon severall mens grayne by caterpillers, which threaten a dearth. The Lord fitt us for what he shall call us unto. To whose blessing I commend you and all yours, and rest,

Yours unfeygnedly,

Jo. Endecott.

My wife desires to have her service
remembred to Mrs. Winthrop.

9th 5 mo. 1646.

Copy

¹¹⁶ This is printed in *The Winthrop Papers*. Mass. Hist. Soc. Coll. 4th s. vi, 150 b. W.

[159] Copy of a Letter from Mr. Steven Painter¹¹⁷ to
Governour Winthrop.

Sumers Islands this 24th of August 1646.

Much Honoured Sir,

THE Lord having clothed you with power to be ruler
over his Israell, besides those gifts and graces which doe
abounde in you as a maine pillar in his house, and you also
doe desire that justice may be administred to all men, causeth
me to present you with these few lines in the behalfe of the right
honorable Earle of Warwicke, whose agent I am, that you
wolde be pleased to afourde your best assistance to Major Gib-
bins, for the recovery of my lords right of those two ships
which Captain Cromwell hath brought to you, unto whom I
have sent a copy of my lords commission and a letter of atur-
ney to inable him thereunto, soe nothing doubting of your
worships favourable assistance I humbly take leave,

Yours in all christian servis,

ever to be commanded,

Steven Painter.

Copy of a Letter from Mr. John Humfrey to Gover-
nour Winthrop.

Honoured Sir,

ALthough I have not occasion to be troublesome unto you
as formerly in point of my successles occasions, yet can
I not be wanting to the acknowledgment of anie of those fa-
vours I formerly found from you. It is true the want of
that lost occasion (the losse of all I had in the world) doth
upon rubbings of that irreparable blow, some times a little
trouble me, but in no respect equal to this, that I see my
hopes and possibilities of ever enjoying those [160] I did and

was

¹¹⁷ He was a benefactor to New England. See *Massa. Hist. Vol. I, p. 19.* H.

was readie to suffer anie thing for utterly taken away. But by what intermediate hande soever this is befallen me (whose neglects and unkindness God I hope will mind them for their good) yet I desire to looke at his hand for good (I doubt not) to me, though I doe not see fullie which way it may work. His fatherly administrations have hitherto bene gracious, and I trust his goodness and loving kindness will follow me all my dayes according to his owne free covenant upon which I desire to cast myselfe. Sir I thank you againe and againe (and that in sinceritie) for any fruites of your goodness to me or mine, and for any thing contrarie, I blesse his name I labour to forget, and desire him to pardon. For anie thing from hence, I know you will have it from those who have more abilitie and libertie to satisfie themselves and their friends in these kinds; knowing myselfe unfitt to give these advertisements which the state of things in your relations to us require. Therefore with my service and best respects to good Mrs. Winthrop and yourselfe, Rev. Mr. Cotton, Mr. Willson with theirs, yours and all our precious friends I rest,

Your (more willing than able to serve you)
poore friend and servant,

Jo. Humfrey.¹¹⁸

If now you have anie service to command me, you shall find me readie to serve you, and therein it will appeare I serve not myselfe, the occasion of that suspicion being taken away, and farewell it.

Gravefend, Sept. 4th, 1646.

Prefatory

¹¹⁸ This is the John Humfrey who was Deputy Governor in England and afterwards an Assistant in the Colony, but reduced by misfortunes, returned to England. H.

PREFATORY NOTE BY THE EDITOR.

By the kindness of Charles Deane, Esq., of Cambridge, Mass., an opportunity has been given to compare the following text with that of printed copies of two different editions. The first edition is entitled An | ABSTRACT | or the | LAWES | of | NEW ENGLAND, | as they are now established. | LONDON, | Printed for F. Coules and W. Ley at Pauls Chain, | 1641. | Pp 1-15, and two pages of "The Table of the Chapters."

The second edition is entitled An | Abstract | of | Laws and Government. | Wherein as in a Mirrour may be seen | the wisdom and perfection of the Government of | Christs Kingdome. | Accomodable to any State or form of | Government in the world, that is not Antichristian or Tyrannicall. | Collected and digested into the ensuing Method, by | that Godly, Grave, and Judicious Divine, Mr. John | Cotton, of Boston in New England, in his Life-time, | and presented to the generall Court of the Massachusetts. | And now published after his death, by | William Aspinwall. | Isa. 33. 22. Jehovah is our Judge, Jehovah is our Lawgiver, Jehovah is our King he will save us. | London, | Printed by M. S. for Livewell Chapman, and are to be sold | at the Crown in Popes-head Alley, 1655. | 5 pages "To the Reader, "P 1-35 "An Abstract of Lawes and Government." One page of a tabular Analysis and on its reverse, errata.

The second edition is almost identical with the first, but its bulk is increased by printing the quotations from the Bible in full.

It will be noticed that Hutchinson mentions the second edition only, yet it is clear that he had a copy of the first, either in print or manuscript, and that this was the basis of his text. The footnotes will show the variations he made, none of them of great importance. The text is allowed to stand, as he may have printed from a copy with corrections made by some one of the early elders.

Hutchinson

Hutchinson notes that this Abstract never became the law of the Colony. Aspinwall, the editor of the second edition, who was banished from Boston with Wheelwright, says these laws were "acomodated to the Colonie of the Massachusetts in New England, and commended to the generall Court there, which had they then had the heart to have received, it might have been better both with them there, and us here, than it now is." "These are not properly Laws, but prudentiall Rules, which he recommended to that Colonie, to be ratified with the common assent of the freemen in each Towne, or by their Representatives in the generall Court, as publique Contracts. Which being once made and assented to for their owne convenience, do binde as Covenants do, untill by like publicke consent they be abrogated and made voyd. For though the Author attribute the word [Law] unto some of them; yet that it was not his meaning that they should be enacted as Lawes (if you take the word *Law* in a proper sense) appears by his conclusion taken out of *Isa.* 33. 22. Hee knew full well that it would be an intrenchment upon the Royall power of Jesus Christ, for them or any other of the sonnes of Adam to ordain Lawes." . . .

"It is not my purpose to perswade this or any other nation (were they willing to heare) to enact or ratifie these by any power of their own (in a solemn convention of their Representatives,) as Laws: Neither do I believe it was the Authors intention so to do, when he drew up this modell. For alas, what energie or vertue can such an act of poore sinfull creatures adde unto the most perfect and wholsome lawes of God? It is enough for us, and indeed it is all that can be done by any people upon earth, 1. To declare by their Representatives, their voluntary subjection unto them, as unto the lawes of the Lord their God. 2. After such professed subjection to fall unto the practice thereof, in the name and strength of Christ their King and Law-giver."

It will be remembered that these Laws were never accepted by

by any colony. The late Francis C. Gray, of Boston discovered and published in the Collections of the Massachusetts Historical Society, 3rd Series, viii, 191-237, a copy of the Laws of the Massachusetts Colony as really adopted in 1641. This latter Code was prepared by Rev. Nathaniel Ward of Ipswich, (author of the "Simple Cobbler of Agawam",) and was called "The Liberties of the Massachusetts Colony in New England."

[161] AN ABSTRACT

OF THE

LAWS OF NEW ENGLAND.¹¹⁹

CHAPT. I. Of Magistrates.

- | | | |
|---|---|---|
| I. All the magistrates are to be chosen | { | 1. By the free Burgeffes. <i>Deut.</i> 1. 13. |
| | { | 2. Out of the free Burgeffes. <i>Deut.</i> 17. 15. |
| | { | 3. Out of the ablest men and
most approved among them. <i>Jer.</i> 30. 21.
<i>Deut.</i> 1. 18. |
| | { | 4. Out of the rank of noble-
men or gentlemen amongst <i>Exod.</i> 18. 21.
them, the best that God
sendeth into the country, <i>Ecclesiasticus</i>
if they be qualified with <i>11.</i> 17.
gifts fitt for government, <i>Jer.</i> 30. 21.
either eminent above others
or not inferiour to others. |

II. The

¹¹⁹ This piece was printed in London in 1655 and, by William Aspinwall the publisher, allowed to have been the performance of Mr. Cotton. It should rather be entitled An Abstract of a Code or System of Laws prepared for the Commonwealth of the Massachusetts Bay; for although when they compiled their laws they made this abstract their plan, in general, yet they departed from it in many instances, and in some which were very material. "Considering that these plantations had libertie to mould their civill order into that forme which they should

[162] II. The Governor hath joynt power with the assistants to governe the whole country, according to the lawes established hereafter mentioned: He hath power of himselfe, and in his absence the deputy Governor, to moderate all publicke actions of the common wealth.

1. As first, to send out warrants for the calling of the general courts¹²⁰ (except that of *Josh.* 24. 1. elections)

2. To order and transact all actions in the courte where he sitteth, as to gather suffrages and votes, and to pronounce sentence according to the greater parte of them.

III. The power of the governour with the *Nu.* 11. 14. to rest of the counsellours is: 16.

1. To consult and provide for the maintenance of the state and people. *Exo.* 18. 22.

2. To direct in all hard matters wherein appeale is made to them from inferior courts. *Deu.* 17. 8. 9.

3. To preserve religion.¹²¹ *Exo.* 32. 27. and 25. 40.

4. To oversee the fortres and munition of the country, and to take order for the protection 2 *Chr.* 19. 11. tion

finde to be best for themselves and that here the churches and commonwealth are complanted together in holy covenant and fellowship with God in Christ Jesus, he did at the request of the general courte in the Baye drawe an abstract of the lawes of judgment delivered from God by Moses to the Commonwealth of Israel, so far forth as they are of moral, that is of perpetual and universal, equity among all nations, especially such as these plantations are; wherein he advised that Theocracy, i. e. God's government, might be established as the best form of government wherein the people that choose civil rulers are God's people in covenant with him, that is members of churches and the men, chosen by them to be rulers, such also, and the lawes of God and the ministers of God are consulted with by the governor, magistrates and people, in all hard cases and in matters of the Lord, that is of religion, &c. and for the clearing of his judgment with the grounds thereof touching this matter I wish that some of his sermons to the general court were printed. *M. S. life of Mr. Cotton by Mr. Davenport.* H.

¹²⁰ The clause in parenthesis is not in either printed copy. W.

¹²¹ The second edition reads "to preserve religion pure." W.

tion of the country from forraigne invasión or intestine sedition, and as need shall require, with consent of the people, to enterprise warrs. *2 Kin. 20.13. 2 Chr. 32.21. Ec.*

IV. And because these great affaires of the state cannot well and sufficiently be attended, nor wisely administred, if they be often changed, therefore the councillors are to be chosen for life,¹²² unlesse they give just cause of removal, which if they doe, then they to be removed by the generall court. *Exo. 17. 9. Pro. 24. 6. 1 Kin. 12. 6. Pro. 28. 2. Exo. 18. 22.*

V. The power of the Governour sitting with the Councillors and Assistants, is to hear and determine all causes, whether civill or criminall, which are brought before him, through the whole commonwealth, yet reserving liberty of appeale from him to the generall courte. *Deu. 1. 16. 17.*

[163] VI. Every towne is to have judges within themselves, whose power shall be once in the month, or in three months at the furthest, to heare and determine civill causes and pleas of lesse values, and crimes also which are not capitall, yet reserving liberty of appeale to the courte of Governor and Assistants. *Deut. 16. 18. Exo. 18. 21. 22.*

VII. For the better expedition and execution of justice, and of all affaires incident unto every courte, every courte shall have certaine officers, as a secretary to inrolle all the acts of the courte and besides, ministers of justice to attach and fetch and set persons before the Magistrates, and also to execute the sentences of the courts upon offenders: And for the same end it shall be lawfull for the Governour *Jer. 36. 10, 11. and 12. 2 Sam. 20. 24, 25. John 7. 32. 45.*

Z

ernor

¹²² An attempt was made to establish what was called a standing Council for life, as a distinct body from the Assistants, but the Charter gave no authority for it, and the people would not submit to it. H.

ernor, or any one or two of the Councillors or Assistants, or Judges, to give warrant to *Acts* 5. 26, an officer to fetch any delinquent before them, *and* 27. and to examine the cause, and if he be found culpable of crime, to take order, by sureties *Lev.* 24. 12. or safe custody, for his appearance at the court. *Num.* 15. 34.

And further, for the same end and to prevent the offenders lying long in prison, it shall be lawfull for the Governor, with one of the Councill, or any two of the Assistants, or Judges, to see execution done upon any offenders for any crime that is not capitall, according to the lawes established, yet still reserving a liberty of appeale from them to the court, and from an inferior court to an higher court.

CHAPTER II.

Of free Burgeſſes and free Inhabitants.

I. All the free burgeſſes, excepting ſuch as were admitted free men before the eſtabliſhment of churches in the country, ſhall be received and admitted out of the members of ſome or other of the churches in this country, [164] ſuch churches as are gathered or hereafter ſhall be gathered with the conſent of other churches already eſtabliſhed in the country, and ſuch members as are admitted by their owne church unto the Lord's table.

II. Thoſe free burgeſſes ſhall have power to chooſe in their owne towns fitt and able men out of themſelves to be the ordinary judges of inferior cauſes in their owne towne; and againſt the approach of the general court to chooſe two or three as their deputies and committees to joyne with the governor and aſſiſtants of the whole country to make up and conſtitute the generall court.

III. This generall court ſhall have power,

Fiſt, by the warrant of the governor, or deputy governor,
to

to assemble once every quarter or halfe year,¹²³ or oftner, as the affairs of the country shall require, and to sit together, till their affairs shall be dispatched.

Secondly, Call the Governor and all the rest of the publique magistrates and officers into place, and to call them also to account for the breach of any lawes established, or other misdemeanors and to censure them as the quality of their fault may require.

Thirdly, To make and repeale lawes.

Fourthly, To dispose of all the lands in the country and to assigne them to severall townes or persons as shall be thought fitt.

Fifthly, To impose a levy of moneys for the publique service of the common wealth, as shall be thought requisite for the provision and protection of the whole.

Sixthly, To heare and determine all causes whether civill or criminall wherein appeale shall be made unto them, or which they shall see cause to assume into their owne cognizance and judicature.

Seventhly, To assist the governor and councillors in the maintenance of the purity and unity of religion, and accordingly to sett forward and uphold all such good causes as shall be thought fitt for that end, by the advice and with the consent of the churches and to repress the contrary.

[165] IV. In this generall courte nothing shall be concluded but with common consent of the greater parte of the governor and assistants, together with the greater parte of the deputies of the townes, unlesse it be in the election of officers where the liberty of the people is to be preserved, or in judging matters of offence against the law wherein both parties are to stand to the direction of the law.

V. All the householders in every towne shall be accounted as the free inhabitants¹²⁴ of the country, and accordingly shall

¹²³ The practice was every half year. H.

¹²⁴ Free inhabitants, but not freemen or free of the corporation. H.

shall enjoy freedom of commerce¹²⁵ and inheritance of such lands as the generall courte or the severall townes wherein they dwell shall allot unto them, and they shall take an oath or give other security to be true and faithfull to the state, and subject to the good and wholefome laws established in the country by the generall courte, when it shall be required of them.¹²⁶

CHAPTER. III.

Of the Protection and Prouision of the Country.

I. A law to be made, if it be not made already, for the training of all men in the country fitt to beare armes unto the exercise of military discipline, and withall another law for the maintenance of military officers and fortes.

II. Because fish is the chiefe staple commodity of the country, thereforeall due incouragement to be given unto such hands as shall sett forward the trade of fishing, and for that end a law to be made that whosoever shall apply themselves to sett forward the trade of fishing, as fishermen, mariners and shipwrights, shall be allowed man for man, some or other of the labourers of the country to plant and reape for them in the season of the yeare at the publike charges of the common wealth, for the space of these seaven yeares next ensuing, and such labourers to be appointed and paid by the treasurer of the common wealth.

III. Because noe common wealth can maintaine either their authority at home, or their honour and power abroad [166] without a sufficient treasury,¹²⁷ a law therefore to be made for the

¹²⁵ The second edition reads "shall enjoy freedom of common; and inheritance of such lands &c." W.

¹²⁶ "When it shall be required of them" is a clause not in either printed copy. W.

¹²⁷ The first edition reads thus, but the second reads "without sufficient treasure." W.

the erecting and furnishing of the treasury of the common wealth, which is to be supplied and furnished,

- | | | |
|--------------------------|---|---|
| 1. By the yearly payment | { | 1. Of a <i>1d.</i> or <i>ob.</i> ¹²⁸ an acre of land occupied throughout the country: lands occupied in common by a towne to be paid for out of the stocke or treasury of the same towne.
2. Of a <i>1d</i> for every beast, horse or cow.
3. Of some proportionable rate upon merchants. ¹²⁹ |
|--------------------------|---|---|

This rate to be greater or lesse as shall be thought fitt.

2. By the payment of a barrell of gunpowder or such goods or other munitions out of every ship that bringeth forraigne commodities.

3. By fines and mulcts upon trespassers.¹³⁰

IV. A treasurer to be chosen by the free burgessees out of the Assistants, who shall receive and keepe the treasury, and make disbursements out of it according to the direction of the generall courte, or of the Governor and Councell, whereof they have to give an account at the generall courte. It shall pertayne also to the office of the treasurer diligently to survey and oversee all the munitions of the country, as canons, culveringe, musketts, powder, match, bullets, and to give account thereof to the Governor and Councell.

V. A treasury also, or magazen, or storehouse, to be erected and furnished in every towne, as distincte from *Deut.* 14. 28. the treasury of the church, that provisions of corne and other necessaries may be layd up at the best hands, for the reliefe of such poore as are not members of the church; and that out of it such officers may be maintayned, as captaines and the like, who doe any publique service for the towne: But, chiefly, this treasury will be requisite for the preserving
of

¹²⁸ This *ob* is printed " $\frac{1}{2}$ " in the second edition, and "halfepenny" in the first edition. W.

¹²⁹ The second edition more clearly says "upon merchants goods;" and omits the clause "This to be greater or lesse as shall be thought fit." W.

¹³⁰ The first edition says "By fines and mulcts upon trespassers *beasts*." W.

of the livelihood of each towne within itselfe. That in case the inheritance of the lands that belonge to any towne come to be alienated from the townesmen, which may unavoydably fall out, yet a supply may be made to the livelihood of the towne by a [167] reasonable rent charge upon such alienations, layd by the common consent of the land owners and townesmen, and to be payd into the treasury of the towne.

This Treas- ury to be supplied	{	1. By the yearly payment of some small rate upon acres of land. ¹³¹
		2. By fines or amerciements put upon trespassers beasts.
		3. By a rent charge upon alienation of towne lands. ¹³²

A towne treasurer to be appointed for the oversight and ordering of this treasury, chosen out of the free burgeses of of the same town; who is to dispose of things under his charge according to the direction of the judges of the towne, and to give account at the townes courte, to the judges and free burgeses of the towne, or to some elected by them.

CHAPT. IV.

Of the Right of Inheritance.

I. Forasmuch as the right of disposall of the inheritance of all lands in the country lyeth in the generall courte; whatsoever lands are given and assigned by the generall courte to any towne, or person, shall belong and remaine as right of inheritance to such townes, and their successors, and to such persons, and to their heires and assignes, as their propriety forever.

II. Whatsoever lands, belonging to any towne, shall be given and assigned by the towne, or by such officers therein as they shall appoint, unto any person, the same shall belong
and

¹³¹ The second edition reads "upon acres of land *and* beasts." W.

¹³² This section 3 is not in the first edition, but is in the second. W.

and remaine unto such person, and his heires and assignes, as his proper right forever.

III. In dividing of lands to the severall persons in each towne, as regard is to be had partly to the number of persons in a family, to the more assigning the greater allotment, to the fewer lesse, *Num.* 26. 53. 54. and partly by the number of beasts, by the which a man is fitt to occupy the land assigned *Num.* 35. 3. to him and subdue it; soe eminent [168] respect in this case may be given to men of eminent quality and deserte, in assigning unto them more large and honourable accommodations in regard of their greater disbursements to publique charges.

IV. Forasmuch as all civill affaires are to be administred and ordered soe as may best conduce to the upholding and setting forwards of the worship of God in church fellowship, it is therefore ordered, that wheresoever the lands of any mans inheritance shall fall, yet noe man shall sett his dwelling house above the distance of half a myle, or a myle at the farthest, from the meeting house of the congregation, where the church doth usually assemble *Acts* 1. 12. for the worship of God.¹³³

V. Inheritances are to descend naturally to the next of the kinne, according to the law of *Numb.* 27, 7 nature delivered by God. 10 11

VI. If a man have more sonnes than one, then a double portion to be assigned and bequeathed to the eldest sonne, according to the law of God, unlesse his owne demerit doe deprive him of the dignity of his birthright. *Deut.* 21. 17. *1 Chro.* 5. 1. The like for personall estates.¹³⁴

VII. The

¹³³ Many advantages would have attended a law of this sort. Besides avoiding the splitting and multiplying parishes, improvements would have been made in social and civilized life by a more compact neighbourhood. This law was never executed. H.

¹³⁴ This clause "The like for personall estates," is not in either copy. W.

VII. The will of the testator is to be approved or disallowed by the court of governor and assistants, or by the court of judges in each town^e, yet not to be disallowed¹³⁵ unless it appear either to be counterfeit or unequal, *Gal. 3. 15.* either against the law of God, or against the publique wealth, or against the due right of the legatees.

VIII. As God in old time in the common wealth of Israel forbade the alienation of lands from one tribe to another, soe to prevent the like inconvenience in the alienation of lands from one town^e to another, it were requisite to be ordered,

[169] 1. That noe free burgesse or free inhabitant of any town^e, shall sell the land allotted to him in the town^e, but to some one or other of the free burgessees, or free inhabitants of the same town^e, unless the free burgessees of the town^e give consent unto such sale, or refuse to give a due price answerable to what others offer without fraude.

2. That if such lands be sold to any others, the sale shall be made with reservation of such a rent charge to be paid to the town^e stocke, or treasury of the town^e, as other the former occupiers of the land were wont to pay towards all the publique charges thereof, whether in church or town^e, or at least after the rate of *More or lesse as shall be thought fit.*¹³⁶ 3d. an acre,¹³⁷ or some like proportion.

3. That if any free burgessees or free inhabitants of any town^e, or the heire of any of their lands shall remove their dwelling from one town to another, none of them shall carry away the whole benefit of the lands which they possessed in the town^es whence they remove; but if they still keepe the right of inheritance in their owne hands, and not sell it, as before, then

¹³⁵ The first edition reads "yet not to be disallowed by the *Court of Governours*, unless it appears either to be counterfeit or unequal, either against the law of God, or against the publick weale, or against the due right of the *Legatours*." W.

¹³⁶ This clause is omitted in the second edition. W.

¹³⁷ The first edition reads *three shillings* an acre. W.

then they shall reserve a like proportion or rent charge out of their lands to be paid to the publique treasury of the towne, as hath been wont to be paid out of it to the publique treasury of the towne and church, or at least after the rate of 3d. or 5d. an acre,¹³⁸ as before.

4. That if the inheritance of a free burgeesse or free inhabitant of any towne fall to his daughters, as it will doe for defect of heires males, that then if such daughters doe not marry to some of the inhabitants of the same towne where their inheritance lyeth, nor sell their inheritance to some of the same towne (as before) that then they reserve a like proportion of rent charge out of their lands to be paid to the publique treasury of the towne, as hath been wont to be paid out of them to the publique charges of the towne and church, or at least after the rate of 3d. or 5d. an acre. Provided allways that nothing be paid to the maintenance of the church out of the treasury of the [170] church or towne, but by the free consent and direction of the free burgessees of the towne.¹³⁹

CHAPTER. V. Of Commerce.

I. It shall be lawful for the governor, with one or more of the councell, to appoint a reasonable rate of prises of all such commodities as are out of the shippes to be bought and sold in this country.

II. In trucking, or trading with the Indians, noe man shall give them for any commodity of their silver and gold, or any weapons of warre, either gunnes or gunpowder, nor fwords nor any other munition which might come to be used against ourselves.

III. To

¹³⁸ The first edition says "three or five shillings an acre," the second edition says "2d" in both cases. The same note applies to the next paragraph also. W.

¹³⁹ The provision made by this eighth section is an unnecessary imitation of the laws of Moses, and every good end was answered by making the lands in each town liable to the taxes and charges of such town, let the owners live where they may. H.

III. To the intent that all oppression in buying and selling may be avoyded, it shall be lawful for the judges in any towne, with the consent of the free burgesse, to appoint certaine select men to sett reasonable rates upon all commodities, and proportionably to limit the wages of workmen and labourers, and the rates agreed upon by them, and ratified by the judges to binde all the inhabitants of the towne, the like course to be taken by the governor and assistants, for the rating of prices throughout the country, and all to be confirmed, if need be, by the generall courte.

IV. Just waights and ballances to be kept betweene buyers and sellers, and for default thereof, the profitte soe wickedly and corruptly gotten and gained, with as much more added thereto, is to be forfeited to the publike treasury of the common wealth.

V. If a man borrow ought of his neighbour upon a pledge, the lender shall not make choice of what pledge he will have, nor take such a pledge as is of daylie necessity use unto the debtor, or if he doe take it he shall restore it againe the same day.

VI. Noe increase to be taken of a poore brother or neighbour for anything lent unto him.

VII. If borrowed goods be lost or hurt in the owners absence, the borrower is to make them good; but in the owners presence, wherein he seeth his goods noe otherwise used than with his consent, the borrower shall not make them good. If they were hired, the hire is to be payd and noe more.

CHAPTER. VI. Of Trespasses.

I. If a mans swine or any other beast, or a fire kindled by him break out into another mans field or corne, he shall make restitution both of the dammage done by them and of the losse of time which others have had in carrying such swine or beast unto the owners, or *Exo.* 22. 5. 6. to the folde, but if a man put his beast or swine into another mans field, restitution is to be made of the best of his owne, though it were much better than that which was destroyed or hurte. ¹⁴⁰

II. If a man killes another mans beast, or digg or open a pitt, and leave it uncovered, *Lev.* 24. 18. and a beast fall into it, he that killed the beast *Exo.* 21. 34. and the owner of the pitt shall make restitution.

III. If one mans beast kill the beast of *Exo.* 21. 35, another, the owner of the beaſt ſhall make *and* 36. restitution.

IV. If a mans oxe or other beast goares or bite and kill a man or a woman, whether *Exo.* 21. 28, childe or of riper age, the beast shall be killed 29, 30, 31. and noe benefitt of the dead beast reserved to the owner; but if the oxe or beast were wont to push or bite in times past, and the owner hath been tould it, and hath not kept him in, then both the oxe or beast shall be forfeited and killed, and the owner also put to death, or [172] else fined to pay what the judges and persons damnified shall lay upon him.

T. If a man deliver goods to his neighbour to keepe and they be said to be lost or *Ex.* 22. 7, 8, 9. ſtollen from him, the keeper of the goods *Ex.* 22. 10, 11, shall be put to his oath touching his owne in- 12.

nocency,

¹⁴⁰ The second edition adds this clause "If fire break out and catch in thorns, so that the corne-rick or the standing, or the field be consumed, he that kindled the fire, shall surely make retribution." W.

nocency, which if he take, and noe evidence appeare to the contrary, he shall be quitt. But if he be found false or unfaithfull, he shall pay double unto his neighbour: But if a man take hire for the goods committed to him, and they be stollen, the keeper shall make restitution, but if the beast so kept for hire, dye, or be hurt, or be driven away noe man seeing it, an oath shall be taken of the keeper that it was without his default, and it shall be accepted; but if the beast be torne in pieces, and a piece be brought for witnesse, it excuseth the keeper.

C H A P T . VII. Of Crimes.

And first of such as deserve capital punishment or cutting off from a mans people, whether by death or banishment.

I. Blasphemy, which is a cursing of God¹⁴¹ by atheisme, or the like, to be punished with *Lev. 24. 15,* death. 16.

II Idolatry to be punished with death. *Deu. 13. 10 to 11.*

III. Witchcraft, which is fellowship by covenant with a familiare spirit, to be punished *Lev. 20. 6. 27.* ed with death.

IV. Consulters with witches not to be tolerated, but either to be cut off by death or *Deut. 18. 10,* banishment,¹⁴² or other suitable punishment. 11, 12.

V. Heresy, which is the maintenance of some wicked error over throwing the foundation of christian religion, with obstinacy, if it be joyned with endeavour to seduce others thereunto, to be punished with *Lev. 20. 27.* death, because such an hereticke noe lesse than *Lev. 20. 6.* an idolater seeketh to thrust the souls of men *Zach. 13. 3.* from the Lord their God.

VI. To

¹⁴⁰ The second edition reads "Blasphemy (which is a cursing of God, or wicked denial of God by Atheism, or the like,) to be punished with death. W.

¹⁴¹ This clause "or other suitable punishment" is not in either edition. W.

[173] VI. To worship God in a molten or *Exo.* 32. 27,
graven image, to be punished with death. 28.

VII.¹⁴³ Such members of the church as doe
willfully reject the will (after due admonition and conviction)
of the churches established, and their christian admonition
and censures, to be cut off by banishment, or punished by dis-
cretion of the court.

VIII. Whoever shall revile the religion and worship of
God and the government of the church, as it is now estab-
lished, to be cut off by banishment, or punished by discretion
of the court.

IX.¹⁴⁴ Willfull perjury, whether before the judgment
seate or in private conference, to be punished according to
the quality of the offence; rash perjury, whether publique or
private, to be punished likewise. Just it is that such a mans
name should be cut off from his people, who profaneth so
grossly the name of God before his people.¹⁴⁵

X. Profaning the Lords day in a carelesse or *Num.* 15. 30,
scornful neglect or contempt thereof, to be to 36.
punished with death.

XI. To put¹⁴⁶ (or practise the betraying) the country, or
any

¹⁴³ The first edition reads "Such members of the church as doe wilfully reject *to walke* after due admonition &c." The second edition has it more properly. "Such members of the church who do wilfully reject (*to wit*, after admonition and conviction) the Churches established &c." Both editions *omit* Hutchinson's last clause, viz. "or punished by discretion of the court."

Also in section viii, Hutchinson reads "to be cut off by banishment, *or punished by discretion of the court.*" The words in italics are in neither copy. W.

¹⁴⁴ This section in the first edition reads "willful perjury, whether before the judgement seat or in private conference to be punished with death. Rash perjury whether in publique or private to be punished with banishment, just it is &c." The second edition has it more briefly "Wilful perjury whether before the judgement seat or in private conference to be punished with banishment. Just it is that such a mans name &c." Both of these differ from Hutchinson's text. W.

¹⁴⁵ The editor of the second edition of these Laws notes "These three last sections have no Scripture annexed in my copy. But I suppose the Author groundeth his judgement for banishment upon Numb. 15. 30. 31." W.

¹⁴⁶ The first copy reads "To put in practise;" the second reads "to plot or

any principal forte therein into the hand of any forraigne state, Spanish, French, Dutch, or the like, contrary to the allegiance we owe and professe to our dread soveraigne lord king Charles, his heires and successors, whilest he is pleased to protect us as his loyal subjects, shall be punished with death.

XII. Unreverent and dishonourable carriage, in speech to, or concerning, our magistrates, to be punished with banishment for a time, till they acknowledge their fault, and professe reformation,¹⁴⁷ according to the quality of the offence. *Num.* 12. 11, 14, 15.

XIII. Reviling of the magistrates in highest ranke amongst us, to witt, of the Governor and Councill, to be punished with death. *Exo.* 22. 28. *1 Kin.* 2. 8, 9, 46.

XIV. Rebellion, or sedition, or insurrection, by taking up armes against the present government established in the country, to be punished with death. *Nu.* 16. 1, 2, 3, 31, 32, 33.

[174] XV. Rebellious children, whether they continue in riott or drunkenness, after due correction from their parents, or whether they curse or smite their parents, to be put to death.¹⁴⁸ *Deut.* 21. 18, 19, 20. *Ex.* 21. 15, 17. *Lev.* 20. 9.

XVI. Murther, which is a willfull manslaughter, not in a mans necessary defence, nor casually *Ex.* 21. 12, 13. *Num.* 35. 16,

practise." The editor of the latter makes a similar note that his copy contains no reference to Scripture, for this section.

¹⁴⁷ Both copies omit the clause "according to the quality of the offence."

The editor of the second edition adds the following "*Quere* whether this was a civill Censure of banishment, or Church-censure of excommunication: the like *quere* might be made of the censure upon the seventh, eighth, and ninth sections." W.

¹⁴⁸ There were several trials upon this law. John Porter was convicted and sentenced to death. He appealed to the Commissioners in 1665 and whilst the dispute between them and the Colony was depending he found means to escape, and there never was any person suffered death for this offence. H.

casually committed, but out of hatred or cruelty, to be punished with death. 17, 18, 21 to 24. 30 to 33.

XVII. Adultery, which is the defying of the marriage bed, to be punished with death. *Gene.* 9. 6. *Lev.* 20. 10. *Deut.* 22. 22.

XVIII. Defying of a woman espoused, is a kind of adultery, and punishable by death of both parties, but if a woman be forced then by the death of the man only. *Deut.* 22. 23, 24, 25, 26.

XIX. Incest, which is the defiling of any that are neare of kinne within the degrees prohibited in Leviticus, to be punished with death; unnatural filthiness to be punished with death, whether sodomy, which is carnal fellowship of man with man, or of woman with woman; or buggery, which is carnal fellowship of man or woman with beasts or fowles. *Lev.* 20. 11, 12, 13, 14. *Exod.* 19. 20. 21.

XX. Pollution of a woman knowne to be in her flowers, to be punished with death.¹⁴⁹ *Lev.* 20. 18.

XXI. Whoredome of a maid in her fathers house kept secret till after her marriage with another, to be punished with death. *Deut.* 22. 20, 21.

XXII. Manstealing to be punished with death. *Deut.* 24, 7.

XXIII. False witness against life to be punished with death. *Deut.* 19. 16, 21.

[175] C H A P T . VIII.

Of other crimes less heinous, and such as are to be punished with some corporal punishment or fine.

I. First, rash and profane swearing and cursing to be punished,

1. With

¹⁴⁹ This with divers others were erased by Mr. Winthrop, and never passed into laws. H.

1. With losse of honour, or office, if he be a magistrate, or officer; meet it is their names should be dishonoured who dishonour Gods name.

2. With losse of freedome.

3. With disability to give testimony.

4. With corporall punishment; either by stripes, or by branding him with an hot iron, or boaring through the tongue, who hath boared and pierced Gods name, or by fine.

II. Drunkenesse, as transforming Gods image into a beast is to be punished with the punishment of beasts, a whip for the horse, and *Prov.* 26. 3. a rod for the fooles backe,¹⁵⁰ is to be punished by the discretion of the court or magistrate.

III. Forcing of a maid or a rape, is not to be punished with death by Gods laws,

But,	{	1. With fine, or penalty to the father of the maid. <i>Deut.</i> 22. 15,
		2. With marriage of the maid defiled, 18, & 28, 29. to wit, if she and her father consent.
		3. With corporall punishment of stripes, for this wrong is a real slander, and it is worse to make a whore than to say one is a whore.

IV. Fornication to be punished.

1. By marriage of the maid, or giving her a sufficient dowry. *Exo.* 22, 16.

2. With stripes, though fewer, from the equity of the former case.

V. Maiming, or wounding of a freeman whether free burgesse or free inhabitant, to be *Ex.* 21. 18, 19. punished with a fine, and to pay, *Lev.* 24. 19, 20.

1. First for his cure. 2. For his losse.

And with losse of member for member, or some valuable recompence.

But

¹⁵¹ The following clause ("is to be punished by the discretion of the court or magistrate") is in neither edition. W.

[176] But if it be maiming or wounding of a servant, the servant is to goe forth free from such a service, and the master further punished by discretion, &c. *Ex. 21. 26. 27.*

VI. If a man steale a beast, and it be found in his hand, he shall make restitution two for one, if it be killed and sold, restitution to be made of five oxen for one, of four sheepe, goats or swine, for one; if the thief be not able to make restitution, then he to be sold by the magistrates for a servant,¹⁵² till by his labour he may make due restitution.

VII. If a theife be found breaking up a house by night, if he be slain his smiter is guiltlesse, but in the day time the theife is to make full restitution *Exa. 22. 2.* (as before) and further punished for his attempt &c. by discretion; or if he be not able, then to be sold as before.

VIII. Slanderers are to be punished, *Deu. 22. 17. 18.*

1. By a publicke acknowledgment, as the slander was publicke
2. By mulcts or fine of money, when the slander bringeth damage.
3. By stripes, if the slander be grosse, and odious, against such persons whom a man ought to honour and cherish, whether they be his superiours, or in some degrees of equality with himselfe, as his wife, &c.

C H A P T . IX.

Of the triall of causes, whether civill or criminall, and the execution of sentence.

In the triall of all causes, noe judgment shall

passe,

¹⁵² The first edition says "for a *slave*." W.

passe, but either upon confession of the party, *Deut.* 19. 4. or upon the testimony of two witnesses. Suf- and 17. 6. ficient testimony.¹⁵³

II. Triall by jurors¹⁵⁴ shall not be denyed, where either the delinquent requireth it in causes criminall, or the [177] plaintiff or defendant in civill causes, partly to preserve the liberty of the people, and partly to prevent suspition of partiality of any magistrates in the courte.

III. The jurors are not to be chosen by any magistrates or officers, but by the free burgessees of each towne,¹⁵⁵ as can give best light to the causes dependant in courte, and who are least obnoxious to suspition of partiality, and the jurors then chosen to be nominated to the courte, and to attend the service of the courte.

IV. The sentence of judgment, upon criminall causes and persons, shall be executed *Deut.* 25. 2. in the presence of the magistrates or some one of them¹⁵⁶ at least.

V. Noe freeman, whether free burgesse or free inhabitant, to be imprisoned, but either upon conviction,¹⁵⁷ or for want of sufficient surety in case of debt, &c. or at least probable suspition of some crime formerly mentioned, and the cause of his imprisonment to be declared and tried at the next courte following, at the furthest.

VI. Stripes are not to be inflicted but when the crimes of the

¹⁵³ These words are in neither edition. W.

¹⁵⁴ The first edition says "Trial by judges," clearly an error of the press. W.

¹⁵⁵ The second edition reads "by the free burgessees of each Towne especially out of each Towne." W.

¹⁵⁶ Both copies read "or some of them at least." W.

¹⁵⁷ The first edition says: "No free-man whether free-Burgesse or free-Inhabitant to be imprisoned but either upon conviction or at least probable suspition, or some crime formerly mentioned, and the cause of his imprisonment to be declared and cried at the next Court following, at the furthest." The second edition is the same except it reads "probable suspition of some crime formerly mentioned," and this seems the best version. Neither of them contains Hutchinson's section of imprisonment for debt. W.

the offenders are accompanied with childish or brutish folly, or with lewd filthiness, or with stubborn insolency, or with beastly cruelty, or with idle vagrancy: But when stripes are due, not above forty are to *Deut.* 25. 2, 3. inflicted.

CHAPTER. X.

Of causes criminall betweene our people and forraigne nations.

I. In case any of our people should do wrong to men of another nation, upon complaint made to the Governor or other of the Councell, or Assistants, the fact is diligently to be inquired into, and being found to be true, full restitution is to be made *Math.* 7. 12. out of the goods of the offender, as the case shall require,¹⁵⁸ and the offender himselfe to be severely punished, according to the quality of the crime.

[178] II. In case the people of another nation have done any important wrong to any of ours, right is first to be demanded of the Governor of *Deu.* 20. 10. 11. that people, and justice upon the malefactor, *2Sam.* 20. 18, which if it be granted and performed, then noe breach of peace to follow.

III. If right and justice be denied, and it will not stand with the honour of God and safety of the nation that the wrong be past over, then warre is to be undertaken and denounced.

IV. Some minister is to be sent forth to go *Deut.* 20. 1. along with the army, for their instruction and 2, 3, 4. encouragement.

V. When betrothed and not married, or

¹⁵⁸ The clause ("and the offender himselfe to be severely punished") is not newly in the first edition, but is in the second. W.

newly married, and such as have newly built or planted and not received the fruits of their labours, and such as are faint hearted men are not to be pressed or forced against their willes to goe forth to warres. *Deut.* 20. 5, 6, 7, 8.

VI. Captains are to be chosen by the officers. *Deut.* 20. 9.

VII. All wickednes is to be removed out of the campe by severe discipline. *Deu.* 23. 9, 12.

VIII. And, in warre,¹⁵⁹ men of a corrupt and false religion are not to be accepted, much lesse fought for. *13, 14. 2 Chro.* 25. 6, 8.

IX. Women, especially such as have not lyen by man, little children, and cattle, are to be spared and reserved for spoyle. *Deut.* 20. 14.

X. Fruit trees, whilst they may be of use for meate to our own souldiers, are not to be cut downe or destroyed, and consequently not corne. *Deut.* 20. 19, 20.

XI. The spoyles gotten by warres are to be divided into two partes, between the souldiers and the commonwealth that sent them forth. *Num.* 31. 27.

XII. A tribute from both is to be levied to the Lord and given to the treasury of the church, a 5th parte¹⁶⁰ out of the commonwealths parte, and a 5th parte out of the souldiers. *Num.* 31. 28, 29, 47.

XIII. If

¹⁵⁹ The first edition reads "And in war from men of a corrupt or false Religion is not to be accepted &c." Hutchinson evidently used this text and sought to correct it by reading "and in war men are not to be accepted &c" The second edition restores the right version, "Aid, in war from men, is not to be accepted." This is a noteworthy example of correcting the text. W.

¹⁶⁰ The second edition reads: "A fiftieth part out of the part of the souldiers." The first edition reads "one fift" &c and "a 500 part." Hutchinson evidently read this error of "one fift" as one fifth, and altered the second to the same amount. The reference to the Scriptures plainly shows the text of the second edition to be correct. W.

[179] XIII. If all the souldiers returne backe again in peace, not one lackinge, it is acceptable to the Lord, if they offer, over and above their former tribute, a voluntary oblation unto the treasury of the church, for the memoriall of the redemption of their lives by the speciall providence and salvation of the Lord of Hosts.

Isaiah 33. 22. The Lord is our Judge, the Lord is our Lawgiver, the Lord is our King, he will save us. AMEN.

Answers¹⁶¹ of the Reverend Elders to certaine Questions propounded to them.¹⁶²

Q. 1. **W**HETHER the Magistrates are by pattent and election of the people the standing counsell of the commonwealth, in the vacancie of the general court, and have power accordingly to act in all cases subject to government according to said pattent and the laws of this jurisdiction, and when any necessary occasions call for action from authority, in cases where there is noe particular expresse law provided, there to be guided by the word of God till the generall courte give particular rules in such cases?

A. 1. The magistrates are by pattent and election of the people, the standing counsell of the commonwealth in the vacancie of the generall courte, and accordingly to act in all cases (pertaining to government) according to the pattent and laws

¹⁶¹ This document is printed in the Massachusetts Records ii, 90—96. W.

¹⁶² The Elders were made umpires in a contention between the Governor and Assistants on the one part, and the House of Deputies on the other. The patent, if the corporation had continued in England as was intended, admits of no difficulty in the construction of it. These doubts and questions arise meerly from changing a corporation in England into a commonwealth in America. The questions seem not to have been proposed all at the same time, but it appears they were all answered before the year 1646. H.

laws made by the said generall courte of this jurisdiction. This answer is grounded upon sundry passages in the said pattent, as p. 10. where it is said that the Gover[180]nor, Deputie Governor and Assistants shall apply themselves to take care of the best disposing and ordering of the generall affaires and busineses of for and concerning the lands and premisses and the plantations thereof, and the government of the people there. Alsoe p. 11. it is said that the Governor, Deputie Governor and Assistants, or anie number of them as is expressed, shall be a full and sufficient courte for the handling, ordering and dispatching of all such busineses and occurrences as shall from time to time happen touching and concerning the said company or plantation. And it is said p. 12. that it is in the power of the generall courte to make laws and ordinances for the good and wellfare of the companie, and they may make and establish wholesome laws, statutes and ordinances for the settling of the forms and ceremonies of government and magistracie, and for managing and settling all sorts of officers, superiour and inferiour, and for the distinguishing and setting forth the severall duties, powers and limmits in every such office and place. 2dly. We doe not find that by the pattent they are expressly directed to proceed according to the word of God, but we understand that by a law or libertie of the country, they may act in cases wherein as yet there is no expresse law, soe that in such acts they proceed according to the word of God.

Q. 2. Whether the Governor and Assistants have anie power by pattent to dispence justice in the vacancie of the generall courte, without some law or order of the same to declare the rule?

A. We doe not find in this commonwealth now constituted by this pattent that the Governor and Assistants have any power to dispence justice in the vacancie of the generall courte, without some law or order of the same, as the rule of their administration,

adminiftration, which we conceive were meete to be expreffed for the regulateing of all particulars as far as may be, when fuch cannot be fupplied by generall rules.

Q. 3. Whether anie generall courte hath not power in particular cafes to choofe any commiffioners, either Affiftants or freemen, exempting all others, to give their com-[181] miffion, to fett forth their power and places; by any particular cafe, we meane in all things, and in thofe of all the officers the commonwealth ftands in need of between election and election, not taking away the peoples liberties in election, nor turning out any officer foe elected by them without fhewing caufe?

A. If the tearmes (all thinges) intend or imply all cafes of conftant judicature and counfell, we answer negatively, viz. that the generall courte hath not power by pattent in all cafes to choofe anie officers, as commiffioners, either affiftants or freemen, exempting that is excluding all others, to give them commiffion, to fet forth their power and places, becaufe it would then follow, that the magiftrates might be excluded from all cafes of conftant judicature and counfell which are their principall worke, whereby alfoe the end of the peoples election would be made frustrate. 2dly. But if thefe tearms (all things) imply and intend cafes, whether occafionall or other, belonging neither to conftant judicature nor counfell, we answer affirmatively, viz. The generall courte hath power by pattent in fuch particular cafes to choofe anie officers and commiffioners, either affiftants or freemen, exempting all others, to give them commiffion, to fett forth their power and places, which yet we underftand with this diftinction, viz. that if the affaires committed to fuch officers or commiffioners be of generall concernment, we conceive the freemen according to the pattent are to choofe them, the generall courte to fett forth their power and places; but if the affaires committed to fuch officers or commiffioners be meerely of particular concernment, then we conceive the
generall

generall courte may both choofe them and fett forth their power and places. Whereas we give places of constant judicature and counsell to the magistrates, we thus interpret the word (counsell) Counsell consists of care and action; in respect of care they are not to be limited, in respect of action they are to be limited by the generall courte as the supreme counsell. Finally, it is our humble request that if anie difference grow in the generall courte betweene [182] magistrates and deputies, either in these or anie the like weighty cases which cannot be presently issued with mutual peace, then both parties will be pleased to deferre the same to further deliberation, for the honour of God and of the courte.

Q. 1. Whether the deputies in general courte have judiciall and magistraticall authoritie?

Q. 2. Whether by pattent the generall courte, consisting of magistrates and deputies, as a generall courte, have judiciall and magistraticall authoritie?

A. 1. The pattent in expresse words giveth full power and authoritie, as to the governor and assistants soe to the freemen alsoe assembled in generall courte, p. 11. 2ndly, Whereas there is a 3 fold power of Magistraticall authoritie, legislative, judicative, and consultative or directative, of the publique affaires of the commonwealth, for provision and protection. The 1st of these, namely, legislative, is expressly given to the freemen joyntly with the governor and assistants, p. 12. Consultative or directative power of the publique affaires of the commonwealth, for provision and protection is also granted by the pattent unto the freemen as to the governor and assistants, p. 13. But now for the judicature, if we speake of the constant and usuall administration hereof, we doe not find that it is granted to the freemen or deputies in the generall courte, either by the pattent or by the election of the people, or by anie law of the country. But if we speake of the occasional administration thereof we find the
power

power of judicature adminiftrable by the freemen joyntly with the governor and affiftants, upon a double occafion, 1. In cafe of defect or delinquency of a magiftrate we find the whole generall courte of governor, deputy governor, affiftants and freemen may proceed to remove him, p. 12. 2dly, If by the law of the countrey there lye anie appeale to the general courte or any other fpeciall cafes referred to their judgement, it will neceffarily inferre that in fuch cafes, by fuch laws, the freemen joyntly with the governor [183] and affiftants have power of judicature touching the appealeants and caufe, the appeale and thofe referved cafes. What we fpeake of the power of freemen, the fame may be faid of deputies, foe far forth as the power of the freemen is delegated to them by order of law.

Q. 3. Whether we may warrantably prefcribe penalties to offences which may probably admit of variable degrees of guilt.

Q. 4. Whether a judge be bound to pronounce fentence as a pofitive law prefcribes, in cafe it be apparently above or beneath the merit of the offence.

A. 1. Certaine penalties may and ought to be prefcribed to capitall crimes, although they may admitt variable degrees of guilt, as in cafe of murder upon prepenfed malice and upon fudden provocation there is prefcribed the fame death in both, though murder upon a prepenfed malice be a farre greater guilt than upon fudden provocation, *Num.* 35, 16, 17, 18; with ver. 20 21, alfoe in crimes of leffe guilt, as in theft, though fome theft be of greater guilt than other (as for fome men to fleale a fheepe that hath leffe nede is of greater guilt than for another who hath more nede) the Lord prefcribed one fame meafure of reftitution to both, *Exod.* 22. 1. 2dly, In cafe variable circumftances of an offence doe foe much varie the degrees of guilt, as that the offence is raifed to a
Cc higher

higher nature, then the penaltie must be varied to a higher answerable proportion; the strikeing of a neighbour may be punished with some pecuniary mulct, when the strikeing of a father may be punished with death; soe any sin committed with an hie hand, as the gathering sticks of the Sabbath day may be punished with death, when a lesser punishment might serve for gathering sticks privily and in some need. 3dly, In case circumstances doe soe varie a sinne as that many sinnes are complicated and wrapped up in it, the penaltie is to be varied according to the penaltie of those severall sinnes. A single lye may be punished with a lesse mulct than if it be tould before the judgement seate, or [184] elsewhere to the damage of any person, whether in his good name by slander, or in his estate by detriment in his commerce, in which case a lye aggravated by circumstances is to be punished with respect both to a lye and a slander, and to the detriment which another sustaineth thereby. 4thly, In case that the circumstances, which varie the degrees of guilt, concerne only the person of the offender (as whether it were his first offence, or customarie, whether he was inticed thereto or the inticer, whether he was principall or accessary, whether unadvised or wittingly and willingly, &c.) there it were meete that the penaltie should be expressed with a latitude, whereof the lowest degree to be expressed, suppose 5s. or as the case may be 5 stripes, and the highest degree 20s. or 4s. or stripes more or less, within which compass or latitude it may be free to a magistrate to aggravate or mitigate the penaltie as the circumstances doe require or alleviate the offence. Yet we would have care be taken that a magistrate attend in his sentence to a certaine rule, as much as may be in those circumstances, lest some person whose sins be alike circumstantiated with another, if his punishment be not equall the one with the other, one may thinke himselfe more unequally dealt withall than another. 5thly, In those cases wherein a judge is perswaded in conscience that a crime deserved a greater punishment

ment than the law inflicteth, he may lawfully pronounce sentence according to the prescript penaltie of the law, because he hath noe power committed to him by law to goe higher ; but where the law may seem to the conscience of the judge to inflict a greater penalty than the offence deserveth, it is his part to suspend his sentence till by conference with the lawgivers he hath liberty, either to inflict the sentence or to mitigate it. 6thly, The penalties of great crimes may be sometimes mitigated by such as are in cheife power, which in this country is the generall courte, out of respect to the publique good services which the delinquent hath done to the state in former times ; so Solomon mittigated the punishment of Abiathar for his service done to his father formerly, 1 Kings 2 26, 27.

Q. 1. Whether the distinction of power of authoritie in magistrates, and only libertie of counsell in the people, be according to the pattent, with respect of the magistrates and deputies in the generall courte ?

A. We conceive by the pattent, as the people have libertie of counsell, soe they have alsoe other power or authority, as we have exprest in our answer to the two first questions sent unto us by our honoured magistrates.

Q. 2. Whether the generall courte, consisting of magistrates and deputies, be not the chiefe power of this commonwealth, and to describe the power of magistracy, and to prescribe laws to all, and doe all other acts which belong to such a power ?

A. The generall courte, consisting of magistrates and deputies, is the cheife civill power of this commonwealth, soe as to prescribe the power of magistracy and to prescribe in a civill way lawes unto all, not repugnant unto the lawes of God, nor to the pattent, nor to the fundamentall lawes and liberties established in this commonwealth, and accordingly
may

may doe all other acts which belong to such a power, as namely. both acts of counsell tending to the provision and protection and wellfare of the whole body, and alsoe acts of judgement, soe far as (according to our answer to the two former questions of our honoured magistrates) is by the patten or choice of the people or lawes of the commonwealth reserved to them and seated in them.

Q. 3. Whether our government be a pure aristocracie or mixt with a democracie? If mixt, whether it should not be mixt in all the administrations of the same?

A. 1. Our government is not a meere aristocracy, but mixt of an aristocracy and democracy, in respect of the generall courte. 2dly, Notwithstanding it be mixed in the generall courte, yet it followeth not necessary thereupon, [186] that that it should be mixed in all other courtes and administrations thereof, because our forme (as all other formes of civill government) is the ordinance of man, therefore as it was free to make it mixed or simple, soe alsoe to make it mixed in the generall courte and united in others according to the pleasures of the ordeiners thereof. Accordingly our patten, notwithstanding it hath made our government mixed in respect of the generall courte, yet it seemes to have instituted subordinate administrations of justice to be aristocratically dispensed by the courte of assistants; yet even in these courtes there is some place for a democratical dispensation in respect of the jurors.

It was voted that all the answers given in by the reverend Elders to the severall questions, were approved just and true answers to satisfaction, except such as are not put to vote.

Prop. 1. That the assistants have no power to act in judicature without some law of the general court to declare the rule.

Elders.

Elders. That the assistants have noe power to act in judicature, without some law, either particularly expressed, or in generall termes, in defect thereof, enacted by the generall court as the rule of their administrations.

Prop. 2. That the generall court consisting of Magistrates and deputies is the chiefe power of this commonwealth, and may act in all things belonging to such a power concerning counsell and judicature, namely for making laws, receiving appeals, questioning and sentencing the highest officers, and consulting about the weightiest affaires of the common wealth and in all other cases which in their wisdom they thinke meet to take cognizance of.

Elders. That the general court consisting of magistrates and deputies is the chiefe power of this common wealth, and may act in all things belonging to such a power, both concerning counsell in consulting about the weighty [187] affairs of this common wealth and concerning lawes, alsoe concerning judicature in orderly impeaching, sentanceing and removing officers, even the highest according to law, likewise in receiving appeales whether touching civill or criminall cases wherein appeales are or shall be allowed by the generall court.

Prop. 3. That the magistrate hath not power to vary from the penalties of any law either to mitigate or exceed the same.

Elders. That the magistrate hath not power to vary from the penaltie of any law either to mitigate or exceed the same without consent of the general court.

Prop. 4. That the patent in expresse words giveth full power and authority as to the governor and assistants soe to the freemen also assembled in general court.

[Elders. That the patent in expresse words giveth full
power

power and authority as to the governor and assistants [soe to the freemen also assembled in general court,]¹⁶³ or thus, that the full power which is prescribed by the patent and graunted by the general court is not only to the governor and assistants, but also to the freemen there assembled and acting with common consent.

Prop. 5. That certaine penalties may and ought to be prescribed in cases although the offences admit of variable degrees of guilt.

Elders. That certaine penalties may and ought to be prescribed in cases although the offences admit of variable degrees of guilt.

[188] A Remonstrance and Petition of Robert Child, and others.¹⁶⁴

To the worshipful the Governor, the Deputy Governor, and the rest of the Assistants of the Massachusetts Bay in New England, together with the Deputyes of the General Court now assembled at Boston.

The Remonstrance and humble Petition of us whose names are underwritten, in behalfe of ourselves and divers others within this jurisdiction, humbly sheweth,

THAT we cannot but with all thankfulnes acknowledge your indefatigable paines, continuall care and constant vigilancy, which, by the blessing of the Almighty, hath procured unto this wildernes the much desired fruits of peace and

¹⁶³ The last clause is the only one on the Massachusetts record. Hutchinson evidently saw there was a mistake in his copy. W.

¹⁶⁴ The following documents need no explanation. In Winthrop's Journal many particulars will be found, but the whole controversy seems to have arisen from the idea entertained by some of the settlers that all of the King's subjects had a right to become citizens of the colony. Winthrop denies that the petitioners represented any considerable portion of the colonists. W.

and plenty : While our native land, yea the christian world, is sharply afflicted with the devouring sword and the sad consequents of intestine wars. And further, that you whom the Lord hath placed at the helme of these plantations and endowed with eminent gifts fitt for such honourable callings, are best able to foresee the clouds which hang over our heads, the storms and tempests which threaten this poor handfull here planted, and timously to amend them. Notwithstanding those who are under decks, being at present unfit for higher employments, may perceive those leaks which will inevitably sink this weake and ill compacted vessell, if not by your wisdomes opportunely prevented. We who, in behalfe of ourselves and divers of our countrymen, laying our hands upon our breasts and seriously considering that the hand of our good God, who through his goodnesse hath safely brought us and ours through the great ocean and planted us here, seems not now to be with us, yea rather against us, blasting all our designs, though contrived with much deliberation, undertaken with great care, and proceeding with more than ordinary probability of successful events, by which many of good [189] estates are brought to the brink of extreame poverty, yea at this time laying his just hand upon our families, taking many away to himself, striking others with unwonted malignant sicknesses, and with some shameful diseases, have thought it convenient with all respectivenesse to present these our sincere requests and remonstrances to this honored court, hoping we have found out those speciall leaks, which concurring with many and great sins of this place (which our consciences know and our brethren of England are not ignorant of) are the speciall causes of the Lords turning his face from us, leaving us to ourselves, and consequently to strife, contention, unfaithfulnesse, idlenes, and of lamentable faylings, not blessing us in any of our endeavours, so as to give us any great hopes of staple commodities, and consequently of comfortable subsistence, though we, to the utmost of our power, these

these many years, even to the exhausting of our estates and spirits, have endeavoured the same; but contrariwise, all things grow worse and worse, even to the threatening (in our apprehensions) of no less than final ruin; not doubting but you will receive them with the same candour of mind which we, not aiming at novelty or disturbance, but at the glory of God, our allegiance to the state of England, and good of these poor plantations (if our hearts deceive us not) present them unto you, though for want of skill and other necessary helps roughly drawne up; and hope that you will be more diligent in amending than we in searching out the causes of these our present calamities, &c. Not to trouble you who are employed in the most serious affairs of these plantations with many words, we shall briefly referre them to these heads, &c.

1. Whereas this place hath been planted by the encouragement, next under God, of letters patents given and granted by his Majesty of England to the inhabitants thereof, with many privileges and immunities, viz. Incorporation into a company, liberty of choosing governors, settling government, making lawes not repugnant to the lawes of England, power of administering the oath of allegiance to [190] all, &c. as by the said letters patents more largely appeareth. Notwithstanding, we cannot, according to our judgments, discern a settled forme of government according to the lawes of England, which may seem strange to our countrymen, yea to the whole world, especially considering we are all English. Neither do we so understand and perceyve our owne lawes or libertyes, or any body of lawes here so established, as that thereby there may be a sure and comfortable enjoyment of our lives, libertyes, and estates, according to our due and naturall rights, as freeborne subjects of the English nation. By which, many inconveniences flow into plantations, viz. jealousies of introducing arbitrary government, which many are prone to believe, construing the procrastination of such settled lawes to proceed

proceed from an overgreedy spirit of arbitrary power (which it may be is their weaknes) such proceedings being detestable to our English nation, and to all good men, and at present a cheife cause of the intestine warre in our deare country: Further, it gives cause to many to thinke themselves hardly dealt with, others too much favored, and the scale of justice too much bowed and unequally ballanced: From whence also proceedeth feares and jealousies of illegal committments, unjust imprisonments, taxes, rates, customes, levyes of ungrounded and undoing assessments, unjustifiable presses, undue synes, unmeasurable expences and charges, of unconceivable dangers through a negative or destructive vote unduly placed, and not well regulated, in a word, of a non certainty of all things we enjoy, whether lives, liberties or estates; and also of undue oaths, being subject to exposition, according to the will of him or them that gives them, and not according to a due and unbowed rule of law, which is the true interpreter of all oathes to all men, whether judge or judged.

Wherefore our humble desire and request is, that you would be pleased to consider of our present condition and upon what foundation we stand, and unanimously concur to establish the fundamentall and wholesome lawes of our native country, and such others as are no wayes repugnant [191] to them, unto which all of us are most accustomed; and we suppose them best agreeable to our English tempers, and yourselves obliged thereunto by the generall charter and your oathes of allegiance. Neither can we tell, whether the Lord hath blest many in these parts with such eminent political gifts, so as to contrive better lawes and customes than the wisest of our nation have with great consideration composed, and by many hundred yeares experience have found most equall and just; which have procured to the nation much honour and renowne amongst strangers, and long peace and tranquillity amongst themselves. And for the more strict

and due observation and execution of the said lawes by all the minilters of justice, That there may be a settled rule for them to walke by in all cases of judicature, from which if they swerve there may be some power settled, according to the lawes of England, that may call them to account for their delinquences, which may be a good meanes to prevent divers unnecessary appeales into England.

2. Whereas there are many thousands in these plantations, of the English nation, freeborne, quiett and peaceable men, righteous in their dealings, forward with hand, heart and purse, to advance the publick good, knowne friends to the honorable and victorious Houses of Parliament, lovers of their nation, &c., who are debarred from all civill employments (without any just cause that we know) not being permitted to bear the least office (though it cannot be denied but some are well qualified) no not so much as to have any vote in choosing magistrates, captains or other civill and military officers; notwithstanding they have here expended their youth, borne the burthen of the day, wasted much of their estates for the subsistence of these poore plantations, paid all assessments, taxes, rates, at least equall, if not exceeding others, yea when the late warre was denounced against the Narrowgansett Indians, without their consent, their goods were seized on for the service, themselves and servants especially forced and impressed to serve in that warre, to the hazarding of all [192] things most dear and near unto them, whence issue forth many great inconveniences, secret discontents, murmurings, rents in the plantations, discouragements in their callings, unsettlednes in their minds, strife, contention, and the Lord only knows to what a flame in time it may kindle; also jealousies of too much unwarranted power and dominion on the one side, and of perpetual slavery and bondage on the other, and which is intollerable, even by those who ought to love and respect them as brethren.

We therefore desire that civil liberty and freedom be
forthwith

forthwith granted to all truly English, equall to the rest of their countrymen, as in all plantations is accustomed to be done, and as all freeborne enjoy in our native country; (we hoping here in some things to enjoy greater liberties than elsewhere, counting it no small losse of liberty to be as it were banished from our native home, and enforced to lay our bones in a strange wildernes) without imposing any oathes or covenant on them, which we suppose cannot be warranted by the letters patent, and seeme not to concur with the oath of allegiance formerly enforced on all, and later covenants lately imposed on many here present by the honorable houses of parliament, or at least to detract from our native country and lawes, which by some are stiled foreign, and this place termed rather a free state, than a colonie or corporation of England; all of us being very willing to take such oathes and covenants as are expressions of our desires of advancing the glory of God and good of this place, and of our duties to the state of England, and love to our nation, being composed according to the lawes and customes of other corporations of England; but all of us are exceeding unwilling by any pollicies whatsoever to be rent from our native country, though far distant from it, valuing our free derivations, the immunities and privileges which we and our posterity doe and we hope shall alwayes enjoy above the greatest honors of this country, not cemented to the state of England, and glory to be accounted though but as rushes of that land, yet that we may continue to write that we and [193] ours are English; or least we entreat that the bodies of us and ours (English subjects possessing here no privileges) may not be impressed, nor goods forcibly taken away, least we, not knowing the justice of this warre, may be ignorantly and unwillingly enforced upon our own destruction, and that all assessment, taxes, impositions, which are many and greivous (if civill liberty be not granted) may be taken of, that in all things we may be strangers, otherwise we suppose ourselves in a worse case here
and

and lesse free than the natives amongst whom we live, or any aliens. Further, that none of the English nation, who at this time are too forward to be gone, and very backward to come hither, be banished, unles they break the known lawes of England in so high a measure, as to deserve so high a punishment; and that those few that come over may settle here without having two magistrates hands, which sometimes not being possible to obtain, hath procured a kind of banishment to some, who might have been serviceable to this place, as they have been to the state of England, &c. And we likewise desire that no greater punishments be inflicted upon offenders than are allowed and sett by the laws of our native country.

3. Whereas there are diverse sober, righteous and godly men, eminent for knowledge and other gracious gifts of the holy spirit, noe wayes scandalous in their lives and conversation, members of the church of England (in all ages famous for piety and learning) not dissenting from the latest and best reformation of England, Scotland, &c. yet they and their posterity are deteined from the seales of the covenant of free grace, because, as it is supposed, they will not take these churches covenants, for which as yet they see no light in Gods word; neither can they clearly perceive what they are, every church having their covenant differing from anothers, at least in words: Yea some churches sometime adding, sometime detracting, calling it sometimes the covenant of grace, sometimes a branch of it, sometimes a profession of the free covenant, &c. notwithstanding they are compelled, under a severe fine, every [194] Lords day to appear at the congregation, and notice is taken of such who stay not till baptism be administred to other mens children, though denyed to their owne; and in some places forced to contribute to the maintenance of those ministers who vouchsafe not to take them into their flock, though desirous of the ordinances of God, &c. yet they are not accounted so much as brethren,
nor

nor publickly so called, nor is christian vigilancy (commanded to all) any way exercised to them. Whence, as we conceive, doe abound an ocean of inconveniences, dishonor to God and to his ordinances, little profit by the ministry, encrease of anabaptisme, and of those that totally contemn all ordinances as vaine, fading of christian graces, decrease of brotherly love, heresies, schismes, &c. the whole body of the members of the church of England, like sheep scattered in the wilderness, without a shepherd, in a forlorn condition.

We therefore humbly intreat you, in whose hands it is to help and whose judicious eyes discern these great inconveniences, for the glory of God and the comfort of your brethren and countrymen, to give liberty to the members of the church of England, not scandalous in their lives and conversations (as members of these churches) to be taken into your congregation and to enjoy with you all those liberties and ordinances Christ hath purchased for them, and into whose name they are baptised, that the Lord may be one and his name one amongst us in this place; that the seales of the covenant may be applied to them and their posterity, as we conceive they ought to be, till inconveniences hereby be found prejudiciall to the churches and colony (which we hope shall never be) not doubting but the same christian favour will be shewed to all its members of these churches, when they shall retire to our dear native country (if their conversations be righteous and holy) or otherwise to grant liberty to settle themselves here in a church way, according to the best reformatations of England and Scotland, if not, we and they shall be necessitated to apply our humble desires to the honourable houses of parliament, who we hope will take our sad conditions into [195] their serious considerations, to provide able ministers for us (this place not being so well provided as to spare any) or else out of their charity, many estates being wasted, to transport us to some other place, where we may live like christians and not be accounted burthens, but servicable both to church and state.

These

These things being granted, by the blessing of God to us in Christ, we hope to see the now contemned ordinances of God highly prized, the gospell much darkned, break forth as the sun at noon day, christian charity and brotherly love, almost frozen, wax warm, zeal and holy emulation more fervent, jealousy of arbitrary government (the bane of all common wealths) quite banished, the wicked, if any such be found, in their courses disheartned, the righteous actors in their wayes encouraged, secret discontents fretting like cankers, remedied, merchandizing and shipping by special providence waisted, speedily encreased, mines undertaken with more chearfulness, fishing with more forwardnes, husbandry now withering forthwith flourishing, villages and plantations much deserted presently more populous, all mechanicall trades the great enriching of all common wealths heartily going on, staple commodities the life of trade presently raised, our almost lost credit regayned, our brethren of Englands just indignation and their force as a post flying from us turned to embrace us, the honourable houses of parliament patrons of piety under their wings in these dangerous times with alacrity shrowding us, the privileges and immunities which we and ours enjoy in our native land more firmly sett^led, forreign enemies dayly threatning totally discouraged, unsettled men now abounding firmly planted, that the prosperity of England may not be the ruine of this plantation but the contrary, hands, hearts and purses now streightned freely opened for public and honorable services, strife and contention now rise abated, taxes and ssessees lightned, the burthens of the state but pleasure, &c. To conclude, all businesse in church and common wealth which for many years have seemed to go backward, beyond our desert yea expecta[196]tion, the good hand of our God going along with us, successefully thriving.

And shall always pray the Almighty, the only wise God, to guide you with his wisdom, strengthen you with his power

power in all your undertakings, that all may be for the glory and good of his people, and that he would bleſſe your wiſdome with the bleſſing of peace, plenty, and long dayes, &c.

Subſcribed,

Robert Child,	Thomas Fowle,	Samuel Maverick,
Thomas Burton,	David Yale,	John Dand.
John Smith,		

A Declaration of the General Court holden at Boſton 4 (9) 1646, concerning a Remonſtrance and Petition exhibited at laſt Seſſion of this Court by Doctör Child, Thomas Fowle, Samuel Maverick, Thomas Burton, John Smith, David Yale, and John Dand.¹⁶⁵

IN this Petition and Remonſtrance (as they call it) which is the firſt of the ſorte that we have received, and (as we conceive) without preſident in any plantation or eſtabliſhed commonwealth, as will appear by the ſmale cauſe of ſuch remonſtrance, and as little reaſon for what is petitioned. We firſt obſerve the ſolemne and religious profeſſion they make of the ſincerity and ſingleneſs of their end in reſpect of the glory of God and the good of this colonie, which we have reaſon to be jealous of with a godly jealousie, when we conſider what connexion and affinity there is betweene ſuch greate and glorious ends and the purſuit they make in their remonſtrance,

¹⁶⁵ Maſs. Records, ii—162, 7 Oct. 1646. “Our honoured Governor, Deputy Governor, Richard Bellingham, Eſquire, and Mr. Auditor General, are appointed a committee to peruſe and examine all the anſwers that are brought into this Court to the petition of Doctör Child and Mr. Fowle &c., and out of all to draw up ſuch an anſwer thereto as they thinke moſt meete, and preſent the ſame to this Court, and further to treat with Mr. Winflow, and to agree with him as an agent for us, to anſwer to what ſhall be objected againſt us in England, giving engagement to the ſaid Mr. Winflow accordingly.”

The committee was therefore compoſed of Winthrop, Dudley, Bellingham and Lieut. Nathaniel Duncan. W.

monstrance, so far from truth and righteousness, together with the means they have propounded for attaining the same. We therefore with them well and deeply to consider that they have herein to doe with him by whom actions are weighed, whose eyes [197] are like a flame of fire, who will make all the churches knowe that he searcheth the heart and the reins, and will render to every one of them according to their workes. It were a dreadful daring presumption, if the blessed name of the most high God, (whose honor is so oft avouched to be their ayme in this designe) should be made to serve a corrupt project. The next thing we observe is, a divine over-ruling hand leading them to a cleare acknowledgment of that truth which cutts the sinewes of their remonstrance, and justifies our government and all the administrations thereof, against all that reproach and blame they endeavour after to cast upon it. The words are these, We cannot but with all thankfulness acknowledge your indefatigable paines, continual care and constant vigilance, which (by the blessing of the Almighty) hath procured unto this wilderness the most desired fruites of peace and plenty; whilst our native land (yea the christian world) is sharply afflicted, &c. From which words we inferre these 4 propositions. 1. The government established in this colonie (by the blessing of the Lord) hath bene dispensed and administered, from the first to last, with a speciall and eminent measure of care and watchfulness upon all occasions. 2dly, By the blessing of the Lord, the government established and administered as aforesaid hath bene a procuring cause of peace and plenty to this colonie. 3dly, By the blessing of the Lord, the government established as aforesaid, and the good effects thereof have bene graunted to us in this wilderness, and that at such a season, while not only our native country, but the christian world, are sharply visited and afflicted with contrary evils (we may say in this case with astonishment, Not unto us, Lord, but to thy name be the praise, we confesse it is our shame (we
desire

desire it may be also our sorrow) that we have not rendered to the Lord according to his great goodnes.) 4thly, The Petitioners (by their owne confession) have not only no cause to blame this government, or the administration or effects thereof, but are bound with all thankfulness to acknowledge the good fruites thereof, as wherein themselves have had their share.

[198] These foure propositions (allowing to the first of them that which humane frailty calls for) are (as we conceive) no lesse evident in the truth of them than in their dependance upon the petitioners owne words. Yet we observe 3dly, How they sometimes sende forth sweete water and bitter. For in the following passages they speake of leakes, which (they say) will inevitablie sinke this weake and ill-compacted vessell, which they wholly impute to the evils of our government, civill and ecclesiasticall, both in the administration and effects thereof. And though in the said propositions, they make us monuments of mercie, preferring us above our native country, yea above the christian world; yet, in the conclusion they affirme the quite contrary; houlding us forth as the scumme and off-scouring, such as our brethren in England, in their just indignation, avoyde as a pest, which they wholly ascribe to the evils of our government. They highly commend the administration of this government, and yet complaine of an arbitrary power, detestable (as they say) to our English nation and to all good men. They commend this government in respect of care and watchfulness; and yet they speake of many sheepe in this wilderness without shepheard, in a forlorne condition. They largely acknowledge the good effects of this government; and yet cry out of intollerable slavery and bondage. They commend it in respect of peace and plenty; and yet they speake of discontents fretting like cancers, of merchants wasteing, of husbandry withering, of villages and plantations much desolated, and that all busines both in church and com-
Ee monwealth

monwealth have seemed to go backward, and that for many years. They commend it in respect of peace; and yet affirme they have no security of their lives and liberties, but are under a non certainty of all they enjoy. They commend it in respect of peace; and yet speake of contentions, readie to breake out into a fearful flame, blameing the government as the cause thereof. They commend it in respect of plenty; yet professe they are brought to the brinke of extreame poverty, so as they beg of the parliament some help for transporta[199]tion to some other place. They professe they owe acknowledgment with all thankfulnes for what they here enjoy; and yet affirme that by reason of unjustifiable, ungrounded and undue taxes imposed on them, they are in worse condition than the natives themselves. They professe such acknowledgment as aforesaid; and yet affirme that they are in such a place, where they cannot live like christians.

These petitioners fabricke being thus overthrowne by their owne confession, and manifest contradictions, we might have throwne out their petition, as not worthie our further trouble, but lest they should pretend, that their said thankfull acknowledgment was but a complement, or a piece of their rhetorick (*ad acquirendam gratiam*) to gaine favour (yet let them consider what we put them in mind of at first, how dangerous it is to engage the greates name of the Almighty, to advance their corrupt and uncharitable designs. (*Nec tutum est ludere cum sacris.*) It is not safe to dally with things sacred. We will therefore, for the petitioners more cleare conviction, and further satisfaction to all the world, examine their particular grievances, and other passages which we meete with in their remonstrance, &c. and give such account of our government and administrations both civil and ecclesiastical, as none shall be able (we hope) to contradict the truth thereof.

For our government itselfe, it is framed according to our
charter,

charter, and the fundamental and common lawes of England, and carried on according to the same (takeing the words of eternal truth and righteousnes along with them, as that rule by which all kingdomes and jurisdictions must render account of every act and administration, in the last day) with as bare allowance for the disproportion between such an ancient, populous, wealthy kingdome, and so poore an infant thinne colonie, as common reason can afford. And because this will better appeare by compareing particulars, we shall drawe them into a parallel. In the one columnne we will sett downe the fundamental and common lawes and customes of England, beginning with Magna [200] Charta, and so goe on to such others as we had occasion to make use of, or may at present suite with our small beginnings: In the other columnne we will sett downe the summe of such lawes and customes as are in force and use in this jurisdiction, shewing withall (where occasion serves) how they are warranted by our charter. As for those positive lawes or statutes of England, which have been from tyme to tyme established upon the basis of the common law, as they have been ordained upon occasions, so they have been alterable still upon like occasion, without hazarding or weakening the foundation, as the experience of many hundred yeares hath given prooffe of. Therefore there [201] is no necessity that our owne positive lawes (which are not fundamental) should be framed after the patterne of those of England, for there may be such different respects, as in one place may require alteration, and in the other not.

For ourselves, we must professe our insufficiencie for so greate matters (as the remonstrants also judge of us) and that in the lawes of England we have but the knowledge of novices, which is mixed with ignorance, and therefore such faileings may appeare either in our collection of those lawes, or in conforming our owne to that patterne, are to be imputed to our want of skill. If we had able lawyers amongst us, we might have beene more exact.

Magna

Magna Charta.

1. **T**HE Church shall enjoy all her liberties.

2. No man shall be condemned but by lawfull tryall; Justice shall not be fould, deferred nor denyed to any man. All mens liberties and free customes shall be reserved.

[202] 3. All cities and townes shall have their liberties and free customes.

4. There shall be one measure of corne and wine throughout the kingdome.

5. Courts of judicature shall be kepte in a place certaine.

6. Difficult cases shall be determined by the justices of the bench, which was then the highest court of judicature.

7. No

Fundamentalls of the Massachusetts.

1. **A**LL persons orthodoxe in judgment and not scandalous in life, may gather into a church estate according to the rules of the gospell of Jesus Christ. Liberty, 1. Such may choose and ordaine their owne officers, and exercise all the Ordinances of Christ, without any injunction in doctrine, worship or discipline. Liberty, 2 & 38.

2. No mans life, honor, liberty, wife, children, goods or estate shall be taken away, punished or endamaged, under colour of lawe, or countenance of authoritie, but by an expresse lawe of the generall court, or in defect of such lawe, by the word of God, &c. Liberty, 1.

Every person within this jurisdiction, &c. shall enjoy the same justice and lawe, &c. without partiality or delay. Liberty, 2.

All lands and hereditaments shall be free from all fines, forfeitures, &c. Liberty, 10.

Every man may remove himselfe and his familie, &c. if there be no legal impediment. Liberty, 17.

[203] 3. The freemen of every towne may dispose of their towne lands, &c. and may make such orders as may be for the well ordering of their townes, &c. and may choose their constables and other officers. (1) mo 1635.

4. One measure is appointed through the country, according to the Kings standard. (3) 1631 and 1638.

5. Courts of judicature shall be kept at Boston for Suffolk, at Cambridge for Middlesex, at Salem and Ipswich for Essex, &c. upon certaine dayes yearly. (1) 1635.

6. Difficult cases are finally determinable in the court of assistants, or in the general court by appeale or petition, or by reference from the inferiour court. Liberty, 31 & 36.

Magna Charta.

7. No amerciament shall be, but for reasonable cause, and according to the quantity of the offence ; saveing to a free-man his freehould, and to a merchant his merchandize ; and no such amerciament to be assessed but by the oaths of good and lawful men of the vicanage.
8. No wager of lawe shall be allowed without witnesses.
9. Merchants shall have safe conducts.

The Common Lawes of England.

1. The supream authoritie is in the high court of parliament.
2. In the parliament the people are present by their deputies, the Knights and burgesses of the house of commons, that nothing can passe without their allowance.
3. These deputies are chosen for all the people, but not by all the people ; but only by certaine freeholders and free burgers, in shires and corporations.
- [204] 4. Both parts of this court, viz. the aristocraticall and democraticall part make but one court ; yet each of them sitt and consult and act apart, and each hath a like negative power.
5. The acts of this court bind all the people, as well forraigne as free borne ; as well such as have no libertie in the election of the members of the court as the freeholders, &c. who choose them.

6. The

Fundamentalls of the Massachusetts.

7. Upon unjust suites the plaintiff shall be fined proportionable to his offence. Liberty, 37.
- No mans goods shall be taken away, but by a due course of justice. Liberty, 1. In criminal causes it shall be at the liberty of the accused partie, to be tryed by the bench or by a jury. Liberty, 23.
- We doe not fine or sentence any man, but upon sufficient testimonie upon oath, or confession. Custome.
8. Wager of lawe is not allowed, but according to this lawe, and according to Exod. 22. 8.
9. Letters testimonial are granted to merchants, when there is occasion. Custome.

Fundamentalls of the Massachusetts.

1. The highest authoritie here is in the general court, both by our charter, and by our owne positive lawes. (3) 1634, &c.
2. In our general court the people are present by their deputies, so as nothing can passe without their allowance. Charter, and (1) 1635.
3. Our deputies are chosen for all the people, but not by all the people, but only by the companie of freemen according to our charter.
- [205] 4. The governor and assistants being the aristocraticall, and the deputies the democraticall part, yet make but one court, though they sitt and act apart, and either of them hath a like negative power. Charter, and (1) 1635.
5. The acts of this generall court do bind all within this jurisdiction, as well no-freemen who have no vote in election of the members of the court, as the free men who doe chooſe them. By the charter.

6. This

The Common Lawes of England.

6. The fundamentall frame of Englands politie in the subordinate exercise thereof, is either in courts of justice or out of court.
7. In courts of judicature, all causes both civill and criminall are determinable either by the judges or jury, or by the judges alone in some cases, as upon demurrer in law, confession, overt act, or not tending traverse, &c. or in other cases, as appointed by speciall statute.
8. Out of court the standing councill doe order all affairs of state in the vacancie of the parliament.
9. The justices of peace have power out of court to preserve the peace, &c.
10. The ordinary ministeriall officers are sheriffs, constables, marshalls, bailieffs, clarkes, &c.
11. The ordinary processe are summonses, attachments, distresses, &c.
12. In all criminall cases where no certaine penalty is prescribed by law, the judges have power to impose arbitrary fines or penalties, according to the nature and merit of the offences.
13. Notorious and greates felonies, as treason, murder, withcraft, sodomie, &c. are punished capitally, but simple theft and some other felonies are not punished with death, if the offender can read in scripture.
14. Adultery is referred to the canon or spirituall lawe.
- [206] 15. All publick charges are borne by the publick revenue or treasury.
16. Where the publick treasury will not suffice, all necessary charges are supplied by subsidies, &c. granted by parliament.
17. These

Fundamentalls of the Massachusetts.

6. This government in the subordinate exercise thereof is either in court of judicature or out of court. By the charter and many positive lawes.
7. In our court of judicature all causes civill and criminall are determinable, either by the judges and jury, or by the judges alone, &c. as in England. This is both by custome and by divers lawes established according to our charter, as Liberty, 29. &c.
8. In the vacancie of the generall court, the governor and assistants are the standing councill to take order in all such affaires. By the charter and (8) 1644.
9. The governor and assistants have power out of court to preserve the peace &c. By the charter and custome, and divers speciall lawes.
10. Our ministeriall officers are marshalls, constables, clerks, &c. By the charter.
11. Our ordinary proceffe are summons, attachments, distresses, &c. By charter.
12. In all criminall offences, where the law hath prescribed no certaine penaltie, the judges have power to inflict penalties, according to the rule of God's word. Liberty 1. and by charter, &c.
13. Treason, murder, witchcraft, Sodomie, and other notorious crimes are punished with death: But theft, &c. is not so punished, because we reade otherwise in the scripture. Capitalls, &c.
14. Adultrey is punished according to the canon of the spirituall law, viz. the scripture. Capitalls, &c.
- [207] 15. All publicke charges are defrayed out of the publick stocke. Custome, and Liberty, 63.
16. When we have no publick stocke, we supply our necessary public charges by assessment raised by the generall court.

The Common Lawes of England.

17. These subsidies are intended to be equally imposed upon all places and persons, yet in some cases they prove very unequall, yet they are collected, and such as refuse are distreined.
 18. The parliament is not bound to give account to any of the improvement of these subsidies.
 19. It is a fundamentall lawe that a man is not to be imprisoned if he tender sufficient bayle, &c. except in some cases capitall, and some other speciall cases.
 20. The full age of man or woman for passing lands is twenty one yeares.
 21. A married woman cannot dispose of any lands or other estate without her husband, nor can sue or be sued without him.
 22. In civill actions a man may appeare and answer by his attorney.
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1. The eldest sonne is preferred before the younger in the ancestors inheritance.
 2. Daughters are coparceners in the inheritance.
 3. Prescription is not allowed in cases morally and legally civill.
 4. Civill authoritie hath power over any officer or member of the church in all cases civill and criminall.
 5. No man is to be twice punished for the same offence.
 6. No oath or covenant of a publick nature can be put upon the subject but by act of parliament.
 7. Publick records are open to every subject.

Fundamentalls of the Maffachufets.

17. The generall court intends an equall affeffment upon every towne and perfon, and indeavours it, by the beft meanes they can invent (yet in fome cafes there falls out inequality) this is levyed by diftreffe of fuch as are able and yet refufe to pay. Cuf tome & order of court.
 18. The generall court is not bound to give account of the expence of thefe affeffments; yet they doe fometimes for all mens fatisfaction.
 19. No mans perfon fhall be reftained or imprifoned, &c. before the lawe hath fentenced him thereto, if he can put in fufficient baile, &c. except in crimes capitall, &c. Liberty, 18.
 20. The full age, for paffing lands, giving votes, &c. is twenty one yeares. Liberty, 53.
 21. Married women cannot difpofe of any eftate, &c. nor can fue or be fued, without the husband. Cuf tome and Liberty, 14.
 22. In civill actions a man may appeare and anfwer by his attorney. Cuf tome.
1. The eldeft fonne is preferred before the younger in the anceftors inheritance. Liberty, 81.
 2. Daughters fhall inherit as coparceners. Liberty, 82.
 3. No cuf tome or prefcription fhall ever prevail, &c. to maintaine any thing morally finfull. Liberty, 65.
 4. Civill authority may deale with any church member or officer, in a way of civill juftice. Liberty, 59.
 5. No man fhall be twice fentenced by civill juftice, for the fame offence. Liberty, 42.
 6. No man fhall be urged to take any oath, or fubfcribe any articles, covenant, or remonftrance of a publick and civill nature, but fuch as the generall court hath confidered, allowed and required. Liberty 3.
 7. Publick records are open to all inhabitants. Liberty, 48.
- By

[208] By this it may appeare that our politie and fundamentalls are framed according to the lawes of England, and according to the charter; so that the petitioners (if they had not cast off all modesty) must needs be ashamed of this complaint, as also of those which follow, viz. Arbitrarie government, the negative vote, Illimited oaths, Unjust taxes, Illegall committments, &c. For the first we use to say, Rome was not built in a day: Nay, they could write of it many hundred yeares after, *Tantæ molis erat*, &c. Let them produce any colonie or commonwealth in the world, where more hath beene done in 16 yeares. Let them shew where hath beene more care and strife to prevent all arbitrarines, and to bring all judgements to a certaine rule, so farre as may be. Let them confesse their ignorance of the judiciall proceedings in England, or their malice which setteth them on, to take up any thing to throw at us, though it cutt their owne fingers, as the practise of England (which they would seeme so much to adhere unto) will most certainly doe, if they looke into any of those courts of judicature (except it be the common pleas) but especially the chauncery (which is the highest court of judicature) the court of requests, the chauncery of the exchequer and of the dutchie, in which courts they are not tyed to the common lawes or statutes of England, but doe judge arbitrarily (*secundum æquum et bonum*) according to equitie. If they can give no reasonable answer here (as we are sure they cannot) they must either harden their hearts or confesse their guilt, and be as carefull to reforme their arbitrary obedience, as we are to keepe off arbitrary government. We may say the same for the second, the Negative vote. Sure these men would seeme to have misteries of state in their heads, and they meane to keepe them there. They tell us of a destructive negative vote, but they neither shew where nor what this daunger is, nor what remedie for it. It may be they have found out a way how a mixt government
may

may subsist without a negative vote, which this court (with all the help of all the elders, and other the wisest in the country, after [209] two or three years endeavour) could not attain; nor would the farre deeper wisdom of the parliament of England ever attempt it (and that these remonstrants are not ignorant of) nor do they affect a democracie. Therefore this must needs be put in only as a fine device (*ad faciendum populum*) to please the people. For the third, viz. Illimited oathes, and covenants not explained by lawe: They should have done well to have told us what oathes and covenants they meane, for (*dolus versatur in universalibus*) deceit lyes hid in generalls. We know no oathes we impose upon any, other than such as are allowed by our charter, and were in practise by the company in London (as occasion required) before we came into these parts. And for covenants of a civill nature, there hath not beene so much as any mention of any such amongst us these many yeares, save only, the last yeare, a motion was made in court of complying with our native country in the nationall covenant there, which was referred to further consideration. As for our church covenant, that shall be spoken to in its proper place. Besides (to prevent all such burdens) we have established a lawe to that end, as appears here before. 5thly, For unjust taxes, there is none that come amongst us, or heare of our condition and affaires, but will marvaile for what purpose such great summes should be raised upon the country, as should occasion this grievance; seeing we attempt nothing of chardge, but what is necessarie, and what the freemen and members of the court contribute unto, as largely as any other. We spend nothing superfluously in buildings, feasting, pensions, public gratuities, officers fees, or the like; nay we are ashamed sometimes at our penuriousnes, but that we had rather beare shame and blame, than overburden the people. Such as are in cheife office amongst us are content to live beneath the honour of their places that they might ease the common charge.

charge. All our publick expences have beene about some small fortifications, makeing lawes, dispenseing justice, some expeditions against the Indians, who by their injuries and insolencies have provoked us [210] thereunto, and some forraigne occasions of late, which accidentally fell upon us. If the remonstrants have knowne of any lavish wasting or mispence of the publick treasure, it had beene fitt they should have mentioned it, otherwise they deale unjustly and injuriously with us, to expect we should provide for their peace and safety, and yet deny us the meanes whereby we should accomplish it. 6thly, For illegall committments, their complaint pretends frequencie, otherwise it were not a public grievance, therefore we conceive they might have produced some cleare instances in this kind. But let them bring forth one: Or let them charge any of the courts or magistrates with corruption in their places, or manifest injustice in their sentences: Or the government with allowance of any thing that is morally evill. If not; they are impudent slanderers, and deeply guilty of the breach of the 5th commandment which (without serious repentance) God will require of them. 7thly, These remonstrants would be thought to be a representative part of all the non-freemen in the countrie; but when we have pulled off their vizards, we find them no other but Robert Child, Thomas Fowle, &c. For first, although their petition was received with all gentlenes, yet we heare of no other partners that have appeared in it, though it be four months since it was presented. Again we know that divers of the non-freemen have lived some in Virginia and other plantations, where the government hath not been so easy to them as they have found it here. Others have lived in Kent, under the lawes of Gavelkind, more repugnant to the common lawes of England than any of ours. Others have had to doe in maritime affaires; others in causes testametric and matrimoniall; others in the chancery, and others in London and other corporations, and so have found by experience

perience that Englishmen may live comfortably and securely under some other lawes besides the common and statute lawes of England ; and that all the priviledge of a freeborne English subject is his interest in the lawes, without right of election of publick officers, which [211] they were never acquainted with there, and yet payd their equall proportions to all publick charges, &c. These non-freemen also are well satisfyed (as we conceive) and doe blesse God for the blessings and priviledges they doe enjoy under this government. They think it is well, that justice is equally administred to them with the freemen ; that they have equall share with them in all towne lotts, commons, &c. that they have like libertie of accesse to the church assemblies, and like place and respect there, according to their qualities, as also in all neighbourly meetings for maintenance of love, as also like freedome of trade and commerce. So that we have good cause to be perswaded, that there are not many of these discontented remonstrants within our jurisdiction, nor in New England. We are further confirmed herein when we consider what hard shifts these remonstrants were put unto, to make up the number of seven. The first (and he that must (*ducem agere in hujus militiae*) be the leader in this designe) is a Paduan Doctor (as he is reputed) lately come into the country, who hath not so much as tasted of their grievances, nor like to doe, being a batchelour and only a sojournour, who never payd penny to any public charge, though (of his owne goodwill) he hath done something for publick use. A second, is a church member, but will be no freeman ; he likes better to be eased of that trouble and charge. A third, is a freeman, but no member of any church, and the reason hath beene his professed affection to the hierarchie. A fourth, is a clarke of the prothonotaries office, a sojournour also, and of no visible estate in the country, one who hath never appeared formerly in such designe, however he hath been drawne into this ; it is like to be as those who were called by Absalom to accom-
pany

pany him to Hebron. A fifth, is a young merchant, little acquainted with commonwealth affaires. We are willing to suppose he might also be one of them, who were invited by Absolom to Hebron, but sure we are, it is no small grieve to his honoured godly friends to find him there, when they prayed and waited dayly to heare of him in Jerusaleme. A sixth was [212] taken up by accident, being none of this jurisdiction, but himselfe and familie inhabiting at Rhode-Island. The seventh is an ould grocer of London, whose forgetfulness of the lawes and customes of that citty, and unmindfullnes of his dutie to the government under which he now lives and prospers, we may impute to his age and some other infirmities. And these are the champions who must represent the bodie of non-freemen. If this be their head, sure they have (*insulsum caput et non multo sale defæcandum*) an unfavoury head, not to be seasoned with much salt. It may be thought rather that this was some dareing busines at some of their merry-meetings, like that of Sir Roger Williams and the Dutch commander Skенcke, who in a vyeing bravery would adventure to fetch the prince of Parma out of his tent in the midst of his army.

Thus have we traced our remonstrants through the civill state, wherein it was easie to follow them by their ill scent; they are now passing over to the church, but in their way they will needs observe some notable decay of trade and husbandry, &c. and withall some malignant and noisome diseases among us, and they are bould to deliver Gods counsell therein without consulting with his oracles, where they might have learned that all things come alike to all, and as many as I love I rebuke and chastise, and judgment must begin at the house of God (and how then must malignants speed) So as their imputeing such afflictions to the evil of our government is without rule, nor doe they deale faithfully in their discovery. For although our merchants have sustained some late losses at sea in two or three voyages, yet we have no
cause

cause to murmur at the good providence of the Lord, who hath well repaired those losses by his blessing upon us in our fishing and other tradeing abroad, and by the successe he hath given to our labours at home, so as we could spare twenty thousand bushells of corne the last yeare (so much at least being transported) and a good quantity shipped out already this present yeare. As for those diseases they speak of, it is true (and the Lord teach us to profit thereby) [213] God was pleased to visit some of our townes the last spring with a more violent fever than ordinary, whereby (as we guesse) some fifty or sixty persons were taken away in a few weekes; but when we consider the nature and strength of the disease, and the weakness of the meanes for prevention or cure, we must acknowledge it a singular testimonie of fatherly love, that among so many thousands he tooke away so few, and stayed it so suddenly. And for that shamefull disease they mention, we may see how readie they are to publish any thing to our disgrace. They might have covered this blemish, being the first of this kind that we have knowne in the countrie, and no guilt thereof lyeing upon the government, or upon the country that we can find. There came in deed the last yeare out of England a lewd person infected with the French disease, who stayed not long with us; but since his departure some others have been infected, but by what meanes we cannot find; the infection spreading by a worke of charitie, in drawing the breasts of one infected, but neither knowne to them nor to herselfe, that we can learne. But this was more observable (wherein the remonstrants might have seene the good hand of the Lord toward us) that a stranger coming accidentally into the country at that time, who had speciall skill in that disease, through the blessing of God, soone cured them.

These remonstrants are now come to the church doore, when one of their companie gives them the slip, not daring (it seemes) to enter for feare of an admonition. But let

us see what exceptions the other side have to our churches, &c. They tell us, that “divers sober, righteous, and godly men, eminent for knowledge and other gracious gifts of the Holy Spirit, no wayes scandalous in their lives, are de- tained from the seales, because (as is supposed) they will not take these churches covenant.” The petitioners are sure mistaken or misrepresent the matter; for the true reasons why many persons in the country are not admitted to the seales are these. First, many are fraudulent in their conversation; or 2dly, noto[214]riously corrupt in their opinions; or 3dly, grossly ignorant in the principles of religion; or 4thly, if any have such knowledge and gifts, yet they doe not manifest the same by any publick profession before the church or before the elders, and so it is not knowne that they are thus qualified. And our churches may not receive men blindfoulded, or upon other mens credit, when they shall refuse to give account of their faith or repentance, which is so expressly required, 1 Pet. 3. 15, Matt. 3. 6, Acts 8. 37, Matt. 16. 16, 17, 18. Few examples (if any) can be given of such as have manifested themselves to be so qualified and yet have beene refused meerely for scrupleing the covenant. And it is justly questionable whether such should be admitted to the seales, who will not be subject to the discipline appointed by Christ in his churches. For what is the covenant but a submitting themselves under the ordinances of Christ, as the same are exercised according to the rule of the word, in that church where such an one joynes as a member? Let a man professedly engage himselfe hereto, and (we suppose) our churches will rest satisfied therewith. Our churches are not alone, nor the first that have walked in this way. The like course is held in the French and Dutch churches, and allowed by some of the chiefe patrons of the presbyterian way: As Mr. Rathbeard, Nar. p. 16. Mr. Rutterford, Due Right, &c. p. 85, 86, 88, Who doe grant, that when a member is admitted, &c. there is alwayes an implicate covenant (at least)

least) which he now comes under. And if so, then what burden or danger can there be to any christians conscience, in expressing that by his words, which he must acknowledge and binds himselfe unto by his action? unles plain and open dealing be growne unlawfull. They say they see no light in Gods word for such a covenant, which may well be; for it appeares by other passages in their remonstrance, that they have small acquaintance therewith, or else like not to come under the power of it. And it appeares also, by the offence they take, to be compelled to attend to it in the publick assemblies. They professe to [215] approve of the covenant lately imposed by the honourable houses of parliament, and yet they are all of them very willing to take such oathes and covenants as are expressions of their desires of advancing the glory of God and good of this place, &c. and yet they boggle at the covenants of these churches, which are wholly framed according to the same description. So as it is cleare, it is not want of light (as they pretend) but something in their owne hearts, which they seeke to cover. For let them stand to that profession, and they can never stick at our covenants. And whereas they say they cannot perceive what our covenants are, because they are not one and the same in every church; they might as well say, they could not understand our prayers and sermons, because they differ also one from another in forme of words. For the difference of our covenants in the severall churches is no other. In substance (for ought we know) they all agree. And what ever the severall expressions may be, this sufficeth us (which we conceive to be intended by them all) that in this covenant we professe our engagement of relation to God, and one to another, in all the duties which belong to the publick worship of God, and edification one of another, according to the rule of the gospell.

Another matter which troubles them is, that they are compelled (under a severe fine) every Lords day to appeare at the congregation. The law which they account so severe is this:
Any

Any two assistants may fine or imprison such persons inhabiting here, as shall usually absent themselves from church meetings upon the Lords day, so as the fine exceed not 5s. for one offence. We cannot conceive that such sober and godly men as these remonstrants speak of, should feare any hurt by this lawe for sure such persons need not to be compelled to resort to church meetings. Therefore it should seeme rather, that they would pleade for libertie for loose and irreligious persons, or for such as are tainted with such corrupt opinions as doe cause them to cast off all publick ordinances of Gods worship, or else they would not have the civill authoritie to meddle with [216] men, for matters of the first table; and so they would have the 4th commandment to be ceremoniall, which expressly requires that all within our gates be looked unto, that they doe not violate the Lords sabbath, but sanctify it. And if they would have all men admitted to the seales of Gods covenant, they must either allowe they may be brought to the ordinary meanes of instruction, whereby they may be made fitt for the same; or else they confesse against themselves that they would have them admitted in their ignorance and profanenes.

They are offended also at our lawe against Anabaptists. The truth is, the great trouble we have beene putt unto and hazard also, by familisticall and anabaptisticall spirits, whose conscience and religion hath been only to sett forth themselves and raise contentions in the country, did provoke us to provide for our safety by a lawe, that all such should take notice, how unwelcome they should be unto us, either coming or staying. But for such as differ from us only in judgment, in point of baptism or some other points of lesse consequence, and live peaceably amongst us, without occasioning disturbance, &c. such have no cause to complaine; for it hath never beene as yet putt in execution against any of them, although such are knowne to live amongst us.

Another

Another of their grievances is, that in some places they are forced to contribute to the maintenance of those ministers who vouchsafe not to take them into their flocke. They doe well to reſtraine this greivance to ſome places; for it is well knowne, that in many of our churches no ſuch courſe is uſed. And ſure we are, that none of theſe remonſtrants were ever compelled to ſuch contribution. And although the ſcripture ſaith the labourour is worthy of his wages, yet there are amongſt us ſome, who live under the miniſtry of the word, themſelves and their families, yeare after yeare, and yet never contribute the worth of one penny to the maintenance thereof, though they have place in the aſſembly equall to any of their ranke, and though the wives of ſome of them doe commu[217]nicate at the Lords table, and their children are received to baptiſme. And whereas they complaine that they are not accounted ſo much as brethren, nor publickly ſo called. The truth is, we account all our countrymen brethren by nation, and ſuch as in charity we may judge to be beleevers are accounted alſo brethren in Chriſt. If they be not publickly ſo called (eſpecially in the church aſſemblies) it is not for want of due reſpect or good will towards them, but only for diſtinction ſake, to putt a difference betweene thoſe that doe communicate together at the Lords table, and thoſe who doe not. As for that complaint of want of exerciſing chriſtian vigilancie towards them, it is a moſt untrue and unjuſt charge. For it is evident in moſt places (and for ought we know) in all, that beſides the publick prayers and inſtructions which is common to them with the members of the church, they are admitted (ſuch as will) to private conference and prayers; they are viſited in tymes of ſickneſs, &c, as occaſion requires. If any faileing be in particular members in this kind, it is againſt the mind of the churches and the intent of the civill government. If ſome duties of church diſcipline are not exerciſed towards them, they can blame none but themſelves, in that they reſuſe to ſubmitt themſelves thereto.

Concerning

Concerning the baptisme of the children of such as are not members of our churches, there is an assembly of the elders now in being, and therefore we think fitt to deferr any resolution about that and some other pointes concerning the church discipline, untill we shall understand their conclusion therein, for further light in these things.

In their conclusion, these remonstrants prognosticate what peace and felicitie we may certainly expect both in church and common wealth, if their petition be granted, viz. that every man be left to his owne libertie, and no distinctions or qualifications observed, &c. which they might have illustrated by some examples, which we marvaile they omitted, especially haveing one so neere and fresh; we shall therefore help their memory. They well know that some eight yeares since, here were a [218] certaine companie (which were petitioners and remonstrants also though in another kind) who out of their tendernes of libertie of conscience, and civill libertie withall, made greate disturbance both in church and civill state, but not obtaineing their desire, and fearing such a ruine to come upon us as these remonstrants foresee, they removed to Rhode-Island, where haveing given equall priviledge to all and established this as their basis, &c. that no man should ever be molested for professing his judgment, &c. they thought themselves the onely happy concording people under heaven. But, alas! it was but a dreame; it was not of God and therefore could not stand. For this liberty and equality so fomented naturall corruption, as they presently fell at variance among themselves, and grew into three or foure opposite parts, which continue to this day; and instead of establishing church and civill state have overthrowne both.

Such peace, unity, prosperity, &c. is that which we may expect, if we will cast off the rules of Gods word, the civill prudence of all nations, and our owne observation of the fruite of other mens follies, and hearken to the counsell of these

these new statesmen. From which the Lord deliver us,
and all the seed of Israell to the coming of Christ Jesus.
AMEN.

By the generall court,

Increase Nowell, Sec.

Copy of a Letter from Mr. Symonds to Governor Win-
throp, Jan. 6th, 1646.¹⁶³

Sir,

I Thanke you for the intelligence you sent me before the
fast day. I am sorry for the trouble you were put unto.
Troubles and difficulties we must looke for (if we will reere
a building to the Lord) but the encouragement exceeds when
we consider the worke is his. [219] I am informed that
coppies of the petition are spreading here, and divers, (speci-
ally young men and women) are taken with it, and are apt
to wonder why such men should be troubled that speake as
they doe; not being able suddenly to discern the poyson in
the sweet wine, nor the fire wrapt up in the straw. And all-
beit I do conceive this towne¹⁶⁴ affords very few malignants,
yet withall I doubt not but here are some active spirits for
any such project once sett on foote. I am informed of the
suspicious expressions here and there of some, but I shall at-
tend full matter, and the fittest season, before I thinke meet
to meddle with them. I perceive that our people here when
through the cunning of some and mistake of others, any
doubts concerning the publique proceedings are in minds,
they are soone satisfied when they are rightly informed.
Upon these and such like considerations I do desire you
would

¹⁶³ The original is in the library of the Massachusetts Historical Society. W.

¹⁶⁴ Ipswich. H.

would hasten the sending of a copy of the courts answer^{to} the petition and remonstrance, also of the charge of their answer thereunto, and also of a reply (if any be made unto it) if none be made, then a copy of the reply to their answer in the first particular, which I suppose is with the rest in Mr. Secretaries hands. If it be not too much trouble to you I should desire now and then a few lines from you how matters proceed at the Bay. Its none of the least poynte of the petitioners policie to beare people in hand of multitudes to be of their mind; but its conceived that its a meere empty vant, for except a few (not affected to religion, and others erroneous in opinions) the people are firme.

Yours in him who ever watcheth over us,

6th 11th, 46.

S. S.

I Had ended as you see what I intended at this tyme, but it being still in my hand I thought good to add a little more. The scope of what I would expresse is, to observe Gods providences in mans motions at this tyme seeme plainly to tend to settle his people here, and to recover new English spirit for Christs kingdome againe. [220] The irregular departure of some causeth a deeper search of heart, wherefore God hath brought his people hither, (I will briefly mention Gods ends, as I can conceive them, by and by) and the plotting of others under the alluring notion of liberty, thereby to winne the opinionists and looser sort, causes the solid christians to prize the rare and rich liberty and power which God hath given them, and they have deerly purchased, (viz. in respect of men in this their great adventure) at a very high rate. Is not government in church and common weale (according to Gods owne rules) that new heaven and earth promised, in the fullnes accomplished when the Jewes come in, and the first fruites begun in this part New England, though neglected by many and opposed by some? Now to name what seemes to be Gods ende in bringing his people hether, whatever more there may be which tyme may yet discover.

1. To

1. To be an occasion to stirre up the zeale of the two nations to sett upon reformation of religion, and that with good successe.

2. To have liberty and power to sett up Gods owne ordinances in church government, and thereby to hold forth matter of conviction to the episcopacy and others that this way of church government and civill government may stand together.

3. To exercise the graces of the richer sort in a more mixt condition, they shall have the liberty of good government in their hands, yet with the abatement of their outward estates. And that the poorer sort (held under in England) should have enlargement.

4. To afford a hiding place for some of his people that stood for the truth while the nation was exercised unto blood.

5. To have an opportunity to trayne up a godly skillfull soldiery, which shortly may be employed against that blasphemous city. And to these may be added (at least a sprinkling) of godly seamen, formerly rare in the world.

6. To make this place a rendezvous for our deare English friends when they shall make their voyages to the West Indies, to dry up that Euphrates.

[221] 7. To be hopefull instruments in Gods hand to gaine these Indians to Christs kingdome. Which mercy if attained in any considerable measure will make us goe singing to our graves.

I will also mention the text preached upon at our last fast, and the propositions raised thereupon, because it was so seasonable to New-Englands condition, and so prosecuted, that did you see a copy I thinke you would desire the sermon to be sett forth in printe for publick advantage.

Jeremy 30. 17. For I will restore health to thee, and
 heale thee of thy wounds, saith the Lord; because they
 Hh called

called thee an outcast, saying, this is Zion whom noe man careth for.

1. Prop. That sick tymes do passe over Zion.
2. That sad and bitter neglect is the portion and aggravation and affliction of Zion in the tyme of its sicknes and wounds, but specially in the neglect of those that doe neglect it, and yet notwithstanding doe acknowledge it to be Zion.
3. That the season of penitent Zions passion is the season of Gods compassion.

This sermon tended much to the settling of godly minds here in Gods way, and to raise their spirits, and as I conceive hath futable effects.

I think the magistrates, &c. may justly long for a happy conclusion of the Synod, that they may attest to the government of Christ in his church, and that they may with renewed vigor attend the mighty providences in these tymes and opportunities for the advance of Christs cause, the elders being soe zealously sett thereupon.

Sir, its conceived this place will prove either very honourable or very meene and contemptable, according as religion is attended or neglected.

If you thinke it meete, I pray send also a copy of their petition found in Dands studdy, its directed to the commisioners.

[222] Copy of a Letter from Mr. Richard Vines¹⁶⁵ to Governor Winthrop.

Right Worshipful and ever honored Sir,

I Undertake not to give you a relation of this island, presuming you knowe more thereof than I can expresse.
But

¹⁶⁵ This Mr. Vines had been many years an agent for Sir Ferdinando Gorges in his Province of Main. H.

But my real respects to your worthynesse enjoyne me to salute you with a lyne or two, not only to shew my gratefulnes for former favours, but still desiring to keep correspondency with you who have alwayes respected me beyond my deserts. I shall be joyfull you had any service here to command me, to make good my poore expressions in reall actions.

This gentleman, Mr. John Mainford merchant, is coming to your porte to trade for provisions for the belly, which at present is very scarce, by reason of 5 or 6 months daythe, and not that only, but men are so intent upon planting sugar that they had rather buy foode at very deare rates than produce it by labour, soe infinite is the profitt of sugar workes after once accomplished. I have by Gods assistance settled my selfe in two plantations adjoyning, containing 50 acres, the which I hope after 6 months will mayntayne me and myne comfortably, besides my practice of physick which is worth at least 10000lb. of tobacco per ann. declare, yett, it is hard with me by reason of my great payments for my plantations and negroes and other necessary disbursements already paid to the value of 40000lb. of tobacco, which keepes me bare at present; I doubt not but the next crop (proving well) but to be better able to live than I have been many yeares.

Mr. Parker with his wife and family are well seated in a good plantation of twenty acres, besides a good stipend and many good guifts, well approved of in his function, opposed by none, unlesse by antinomians and such like. I blesse God my family continue in good health, all liking the island well, notwithstanding their change of dyett, [223] which at present is but slender, yet far from want. I feare not but within 6 months to live as plentifully as any man upon this island, according to my proportion. I have at present 16 acres of cotton planted at the least, as much corne for my provisions, bysides tobacco. The next yeare I intend for sugar, at present I cannot. Thus ceasing farder to trouble you, save
with

with my respective service to yourselfe, your virtuous wife, with your sonnes and daughters, and to the reverend divines Mr. Cotton and Mr. Wilson, to my worthy friends Maj. Gibbons and Mr. Hill, leaving you all to Israells protector, resting

Your assured friend

Barbadoes, July 19th,
1647.

and servant,
Rich. Vines.

Mr. Richard Vines's Letter to Governor Winthrop about
the sickness in Barbadoes.

Barbadoes, 29th April, 1648.

Right worshipfull, and my ever honored friend.

YOUR kinde letter of the 24th of August I received, which was most wellcome unto mee, esteeming it a high favour that you will vouchsafe to keepe correspondency with so undeserving a friend. I perceive by your letter that the Lord did shake his rod over New-England, it was his greate mercy only to put you in remembrance. We have felt his heavy hand in wrath, and yet I feare not sensible of it, for here is little amendment, or notice taken of his great punishments. The sicknes was an absolute plague; very infectious and destroying, in so much that in our parish there were buried 20 in a weeke, and many weekes together, 15 or 16. It first seized on the ablest men both for account and ability of body. Many who had begun and almost finished greate sugar workes, who dandled themselves in their hopes, but were suddenly laid in the dust, and their estates left unto strangers. Our [224] New-England men had their share, and soe had all nations especially Dutchmen, of whom died a great company, even the wisest of them. The contagion is well nigh over, the Lord make us truly thankfull for it and ever mindful of his mercy. I saw your son here, he made
but

but little stay, but went for Christophers with his cargo ; he is a very hopeful gentleman. If the Lord please to send him here agayne or any other of your sonnes, I shall be ready to serve them in what I may. I here the Lord hath graciously recompenced your incomparable losse with another most vertuous and loving wife, many and happy be your dayes together.

Sir, I shall take it as a great blessing from God to give me a good occasion to serve you or any of your children, here or else where, that I might exercise my thankfull remembrance for all former courtesies.

No more at present but my humble service to yourselfe and vertuous wife, and to all your sons and daughters. Committing you all to the protection of almighty God.

Ever resting your assured loving friend,
and servant,

Rich. Vines.

I pray Sir be pleased to present my best service to Mr. Dudley, Mr. Bellingham, Mr. Stibbins, and the two reverend ministers Mr. Cotton and Mr. Wilfon.

Copy of a Letter from William Coddington to Governor Winthrop.

Right worshipfull and beloved in our Lord Jesus,

I Doe rejoyce in the Lords mercey, grace and favour to you in bestoweing of you a meet helper, and now againe establishing you a governor over his people. Sir, this bearer, Capt. Partridge, hath requested me to signify [225] to you what I know concerneing Robt. Nashes dealingings with him, viz. he sould him some fatt cattell in August last at an under raite, to be paid in bever, he hath deferred him from tyme to tyme

tyme, and the last tyme I was in the Bay promised him before me, if he had it not to returne by that ship he would give him double the value (which he doth not stand upon) and now is forced to seeke his owne. I doubt not you will be pleased to afford him that justice as the equitie of his cause may require. Sir, this bearer and Mr. Balfstone, and some others of this island, are in disgrace with the people in Providence, Warwick and Gortons adherents on the island, for that we will not enterposse ormeedle at all in their quarrills with the Massachusets and the rest of the colonyes; and doe much feare that Gorton will be a thorne in their and our sides, if the Lord prevent not; but I hope shortely to see you, and to speak with you, and therefore shall for the present cease from writing, but not from remayneing

Newport, May 25. .
1648.

Yours ever
Wm. Coddington.

Copy of a Letter from Mr. Hopkins¹⁶⁶ to Governor Winthrop.

Much honoured Sir,

I Received yours of the 26th past, and have much cause to acknowledge your great love in the paynes you tooke to answer my desire in the case propounded. I find a generall concurrence almost, with your thoughts therein, by all I have consulted with, soe that I dare not, having such a streame of advice to the contrary, resolve to returne, untill more of the mind of the Lord appeare that way, though I find not my heart soe quieted in that determination as I hoped it would. Your prayers I read and begg, that that the Lord would at length satisfy me with himselfe in this sad and great tryall which almost overwhelmes my spirit.

I

¹⁶⁶ Mr. Hopkins was Governor of Connecticut. Soon after this Letter he went to England, was promoted by Cromwell, made a Commissioner of the Navy and of the Admiralty, and died there in 1657. H.

[226] I hoped ere this to have received from you Mr. Bradfords resolution concerning meeting Monf. Stuyvesant¹⁶⁷ here. You will understand by my father Eatons former letters to yoursele, that his thoughts inclyne to alter the commissioners meeting from Plymouth to this place for this year, if our friends at Plymouth be content therewith. I much desire to understand the issue of your thoughts there, that occasions may be ordered accordingly, and the Dutch governor have notice in seasonable tyme of the meeting. We are much engaged to your love in the ready willingness you express to undergoe soe great a journey upon the service of our peace. The good Lord answer the holy endeavours of his servants with answerable successe, and grant as his peace in all things by all means. I have noe more tyme at present but to scribble these few lynes in much haste and to subscribe mysele

Yours by many engagements
ready to serve you in what I may,

Hartford, 21st June,
1648.

E. Hopkins.

Application from Rhode-Island to the Commissioners of
the United Colonies and their Answer.¹⁶⁸

MR. William Coddington and Capt. Partridge of Roade-Island presented this request to the Commissioners in writing. Our request and motion is in the behalfe of our island, that we the islanders of Roade-Island may be received into a combination with all the united colonies of New-England, into a firme and perpetuall league of friendship and amitie, for offence and defence, mutuall advice and succour, upon all just occasions, for our mutuall safety and welfare,
and

¹⁶⁷ The Dutch Governor of the New-Netherlands now New-York. H.

¹⁶⁸ This is printed in the Plymouth Colony Records, ix. 110. W.

and for preserving of peace amongst ourselves, and preventing, as much as may be, all occasions of warre or differences, and to this our motion we have the consent of the major part of our island.

William Coddington,
Alexander Partridge,

[227] To which motion the Commissioners returned this answer under their hands.

Mr. Coddington and Capt. Partridge,

THE Commissioners for the united Colonies have considered what you have propounded, either by speech or writing, and find your present state and condition full of confusion and danger, having much disturbance amongst yourselves, and no securitie from the Indians, they desire therefore in severall respects to afford both advice and helpe. But upon perusall of the ancient patent granted to New Plymouth, they find Roade Island (upon which your plantations are settled) to fall within their lyne and bounds, which the honorable Committee of Parliament thinke not fitt to strengthen or infringe, nor may we. If therefore yourselves and the inhabitants, or the most considerable parts of them, upon a due consideration of Plymouths patent and right, acknowledge yourselves within that jurisdiction, we shall consider and advise how you may be accepted upon just termes, and with tender respect to your conveniencie, and shall after afford you the same advice, protection and help which other plantations within the united Colonies enjoy, which we hope in sundry respects may tend to your comfort and safety.

September 8, 1648.

Copy of a Letter from Mr. Symonds to Governor Winthrop, about the Synod.¹⁶⁹

Sir,

I Understand it is your purpose to vizitt us and afford your preſence this court; pray let no ſmall matter deprive us of our deſire and expectation; and we ſhould be glad to ſee Mrs. Winthrop here (if with conveniency it might be) And I pray bring with you a copy of the vote of the Synod concerning the confeſſion (not of diſci[228]pline) but of doctrine and faith; which you may have, I ſuppoſe, of Mr. Cotton, Mr. Ellyot, or of Mr. Allen of Dedham, if your man aſk for it. Thus with our beſt reſpects preſented I reſt

Yours ever,

19th 7th, 48.

S. Symonds.

Copy of a Letter from Edward Winſlow, Eſq; to the Commiſſioners of the United Colonies.¹⁷⁰

Gentlemen,

Receiving a letter from you, notwithstanding the large letter ſent by the corporation to yourſelves, I cann doe no leſſe than give you thanks for your reſpect therein to my ſelf, and care of mee, leaſt I might ſink under the preſſure of following the publick buſines at my private charge, the time is not as yet come for me to expect any reliefe, there being very little of the collections come into the treaſury, more than what hath been expended in printing, &c. and paying Mr. Jenners library, which I deſire may be looked after according to the catalogue ſent over. For his neceſſities preſſed us to a preſent diſburſement of thirty pounds, and to recover it againe would be a hard matter, yea too hard for us, he living in Norfolk; but a word is ſufficient, it is better to
loofe

¹⁶⁹ The original is in the library of the Maſſachuſetts Historical Society. W.

¹⁷⁰ This is printed in the Plymouth Records, ix, 196. W.

loose some than all. I shall speedily write to Mr. Weld and acquaint him also with the readines that is in the corporation to pay the thirty-four pounds to him also (having order soe to doe) for his library left with Mr. Elliot, so that I trust that gapp will be soone stopped. The collection is hopefully begun in London, and I believe will arise to a considerable some, but you would wonder to heare the severall sorts of objections that are made against it by men that after all are ashamed to neglect it, as what have we to doe to raise great fumes to promote the gospell among naked people, the gospell is going away from us, and we helpe it forward, we have more neede to support learning at home than abroad; and then our levellers will [229] have nothing to doe to advance humane learning, there is too much of it already; and yett notwithstanding it goes hopefully on, &c. Yesterday (as I am informed) Mr. Coddington¹⁷¹ had something done for him at the counsell of state, which I believe was his pattent confirmed, for the truth is since I perceaved by letters from Plymouth that after another years warning nothing is likely to be done in reference to the old order of lords and commons sent over in (47) as I take it I looked upon it as a vaine thing to strive against the streame, when as indeed that was the maine matteriall objection above a twelve month since, which I could not answer, that we had such an order but never looked after the performance thereof, nor made any retourne upon it, and if I could not then answer it, how much lesse now after another yeare, if not eighteen months expiration, but the will of the Lord must be done; however I suffer in my reputation here, to make so great a bustle forced, and then to let all fall at last; had I not had particular instructions from Plimouth herein I had never stirred in it, but I shall be more warey heerafter how I ingage in busines of that nature, yet when I have said it, shall not dare to neglect

¹⁷¹ He was in England soliciting for powers of Government for Rhode Island. H.

left the least service wherein any or all the united colonies are concerned. Here is a great murmuring at the great provisions of powder and shott the severall shippes gett license for, yeare after yeare, 40 barrells of powder and 50 barrells is an ordinary proportion to a shipp, nay sometimes 100, and lead and arms proportionable. Its laid to our chardge, that being custome free, we enrich ourselves by furnishing Barbadoes and Virginia, though enemies, &c. with that and other commodities, and there hath been upon that very accompt a serious debate about revoking our free custome and excise. I have laboured in it, and satisfied many of the Parliament and Counsell of State, of your care not to suffer any powder more than shippes store, to be transported away, that we are faine to land all we bring hither for feare of firing the shippes in the river, and must gett license for that also upon [230] retourne, that the master is forced to take license for more than he buyes that he may beare out his passengers particular stores. I have shewed them how many shippes and their lading we have lost for their sakes by the kings party, told them what profitts they had by the retournes of New England, for whether they went for Spaine, Streights, Barbadoes, &c. they all pay custome and excise home; that we only had suffered with and for them and, for their sakes, were hated of all the English abroad. This hath made a present stopp, but I assure you it concernes the countrie to take notice of it and be carefull that our merchants and such as trade thither abuse not the freedom we enjoy, nor know I better to whom to imparte it than to you the Commissioners that are the representatives of the united Colonies. I pray God direct you herein, amongst other the weighty occasions of the countrie, &c.

Gentlemen, your humble servant,

London, Aprill 17. 51.

Edw. Winslow.

The

The Answer to the foregoing Letter followeth.¹⁷²

WE have received yours of the 17th of Aprill past, and therein take notice of your continued respects to this countrie, and unceffant endeavours for promoting the welfare of the poore natives; we have also seene the invoyce of the goods sent,¹⁷³ which as we understand are taken up at Boston according to the tennor of the bills of lading, and secured by those to whose care you committed them. It is some disadvantage that the prices of the severalls are not mentioned, which for future you may please to rectifie; we shall endeavour, through the grace of Christ, that what comes to our hands may be improved to the best advantage of the worke, as it comes under our view; and [231] that such account be kept of the disposall thereof and retourned to you, as may (if not fully answer the expectation of all who are concerned) yet evidence our faithfulness in the trust committed to us. In order whereunto we have deputed Mr. Edward Rawson of Boston as our steward or agent, to receive what is sent, dispose and keep accompts of the same, according to such order as he receiveth from us, and notice shall be taken, according to your desire, what difference there is in the prooffe of the tooles now sent; we shall enquire after the catalogue of Mr. Jenners library, and endeavour that neither your nor our ends may be frustrated. It is apprehended by some that, according to the intent of the act of Parliament, an eye may be had in the distributions to the enlarding the colledge at Cambridge, whereof is great neede, and furtherance of learning not so immediately respecting the Indian designe; though we fully concurre not, yett we desire to know what the apprehensions of the honored Corporation are herein: If the one might receive some encouragement without prejudice of the other, we hope the kingdome of our Lord Jesus, the

¹⁷² This is printed in the Plymouth Records, ix, 198. W.

¹⁷³ For the use of the Corporation for propagating the Gospel among the Indians, Mr. Winslow being one of the members in England. H.

the gennerally professed end of all interested in the worke, may be advanced thereby. It hath been and is the great care of the governments in the severall colonies, that the immunities graunted by the honorable Parliament¹⁷⁴ may not be abused by any of ours, and therein have had a speciall respect to the trade of powder; which we cannot but fear hath been too exorbitantly managed by some, though the welfare of the colonies, in many respects, are deeply concerned and hazarded; we shall adde what strength we may to the fences already made, that if no other considerations will prevaile, selfe-concernment may deterre. Though we have not understood that any from us hath been transported to Barbadoes or Virginia; the great inconvenience we lye under is from that mischievous trade of guns, powder, shott, &c. carryed on by French, Dutch, and Swedes, with the Indians, and temptations arising to some of ours thereby, which hath occasioned many to urge a setting open that trade amongst ourselves, [232] conceiving that (as the case stands) the best way to putt a check to that current it now runs so strongly in; but we have been slowe herein, nor dare we yett sett open such a doore, yett could be willing to understand from you what interpretation you conceive would be made by the state there, if restraints, upon the aforementioned considerations, should for a time be taken off. We understand Mr. Eaton¹⁷⁵ hath written to you at large about their just title to considerable parts of land on both sides of Delaware bay and river, how they were formerly disturbed in their trade and planting, by force and other unlawfull practices both of Dutch and Swedes, yourselfe may remember; and he hath acquainted you with a late unneighbourly and injurious carriage of the Dutch Governor, when at least 50 of New-Haven jurisdiction were on their way to plant there, but were staied, imprisoned and forced to retourne with great losse to those interested in that designe, and hath desired your helpe in procuring a patent.

¹⁷⁴ Mass. Hist. Vol. I. 114. H.

¹⁷⁵ Governor of New-Haven Colony. H.

tent. These things, by a petition from these concerned in the late losse and disappointment, have been recommended to our consideration. We are justly sensible of the dishonour putt upon the English nation by this unjust affront, of our duty to preserve the English title to so considerable a place as Delaware, and that a just repaire and satisfaction be made to those so wronged both in their persons and estates and, from you, desire information what esteem the old pattents for that place have with the Parliament or Counsell of State, where there hath been no improvement hitherto made by the pattentees; whether the Parliament hath graunted any late pattents, or whether in graunting they reserve not libertie and encouragement for such as have or shall plant upon their formerly duely purchased lands; as also how any engagement by the colonies against the Dutch upon the fore-mentioned occasion will be resented by the Parliament, of which we desire information by the first, &c.

Your loving friends.

Newhaven, 11. September, 1651.

Copy of a Letter from Mr. John Cotton to Lord
General Cromwell.

Right Honourable,

FOR so I must acknowledge you, not only for the eminency of place and command which the God of power and honour hath called you unto; but also for that the Lord hath sat you forth as a vessell of honour to his name, in working many and great deliverances for his people, and for his truth, by you; and yet helping you to reserve all the honour to him, who is the God of salvation, and the Lord of hosts, mighty in battell. I am not ignorant that you suffer no small dishonour in the tongues of many, not only as a
sectary,

sectary, but as out of your calling, being sat on worke (as is pretended) by an usurped power, and yourselfe (with the army) exercising a power destructive in some cases to the priviledges of parliament, and the liberty and safety of the kingdome. But 3 or 4 principles there be, upon which it seemeth to me your proceedings have been groundd and carryed on, and whein my judgment (reasonable it is) hath been fully satisfyed: 1. That the concessions of the late king never came up to such a posture as whereon to lay a firme foundation of a safe peace, either to church or commonwealth. 2. That when the Parliament was full, and assisted with the commissioners of Scotland (in the treaty at Uxbridge or Newport, or elswhere) they agreed together that the king could not be restored to his former state upon such termes. And therefore (unles his concessions afterwards in the Isle of Wight were more safe and satisfactory)¹⁷⁶ if the Parliament of England voted the contrary afterwards, in a mighty consultation, it was not an act of Parliament, but a prævarication of a former just and lawfull act. And therefore, when the army discerned, not only their owne safeties, but the safety of religion and state, and their cause and victories given in defence thereof, all of them given away in that prævarication, I know not how they could have [234] approved their faithfullnesse better to the state and cause, then by purging the Parliament of such corrupt humours, and presenting the king to publike tryall. 3. That the army, though they be inferiour and subordinate to the state that giveth them commission and pay; yet neither their consciences nor services are mercenary, though they doe receive wages for their support in the service; though soldiers may take oathes of fidelity to the state, in undertaking an expedition, yet they, regarding the cause as well as the persons that set them on worke, doe performe their fidelity, if they attend to the cause for which they fight, rather than to the private ends

¹⁷⁶ This is expressed very cautiously. H.

ends or lusts of such as send them forth. Joab (the generall of Davids hoast) though he went beyond his commission in putting Absalom to death, yet not beyond his fidelity. 4. That when covenants are plighted, which consist of many articles (some principall and fundamentall, others subordinate and accessary) if it so fall out that all the articles cannot be performed without breach of some or other, there may be just cause of repenting the undertaking of such covenants; but yet, if some articles cannot be performed without breach of others, the covenanters must chiefly attend to the performance of the principall articles, though (with grieve) they be put to it to violate the subordinate. These things are so cleare to mine owne apprehension, that I am fully satisfied, that you have all this while fought the Lords battells, and the Lord hath owned you, and honoured himselfe in you, in all your expeditions, which maketh my poor prayers the more serious and faithfull and affectionate (as God helpeth) in your behalfe. In like frame (as I conceive) are the spirits of our brethren (the elders and churches of these parts) carried forth, and the Lord accept us, and help you in Christ.

If you aske upon what structure I have made thus bold to addresse myselfe in these rude lynes to your Lordship, I must acknowledge it is abhorrent from my native bashfullnesse to run into the presence of great men: But I received the other day a letter from my reverend brother Mr. Hooker of New-haven, who certifieth me that your Lordship made speciall mention of me in your late letters [235] to him, with tender of loving and more respectfull salutations than I could expect; withall he moved me to write to your Lordship, as believing you would accept the same in good part. This is my excuse, such as it is.

The Scots, whom God delivered into your hand at Dunbarre, and whereof sundry were sent hither, we have been desirous (as we could) to make their yoke easy. Such as were sick of the scurvy or other diseases have not wanted
physick

physick and chyrurgery. They have not been sold for slaves to perpetuall servitude, but for 6 or 7 or 8 yeares, as we do our owne; and he that bought the most of them (I heare) buildeth houses for them, for every 4 an house, layeth some acres of ground thereto, which he giveth them as their owne, requiring 3 dayes in the weeke to worke for him (by turnes) and 4 dayes for themselves, and promifeth, affoone as they can repay him the money he layed out for them, he will set them at liberty.

As for the aspersiō of factious men, I hear, by Mr. Desboroughs letter last night, that you have well vindicated yourselfe therefrom by cashiering fundry corrupt spirits out of the army. And truly, Sir, better a few and faithfull, than many and unsound. The army on Christs side (which he maketh victorious) are called chosen and faithfull, Rev. 17. 14. a verse worthy your Lordships frequent and deepe meditation. Go on therefore (good Sir) to overcome yourselfe (Prov. 16. 32.) to overcome your army, (Deut. 29. 9, with v. 14.) and to vindicate your orthodoxe integrity to the world.

Pardon, I beseech you, my boldnesse and rudenesse, which not arrogancy but due respect and observancy to your Lordship hath put upon me.

The Lord Jesus who is your righteousnesse goe before you, and the glory of the Lord be still your rearward, Isai. 58. 8. Thus humbly taking leave, I remain,

desirous of the accomplishment of the Lords worke

Boston in N. E.

in your hands,

28. of 5th, 1651.

John Cotton.

[236] Copy of a Letter from Lord General Oliver Cromwell to Mr. John Cotton.

Worthy Sir and my christian friend,

I Received yours a few dayes sithence, it was welcome to me, because signed by you whome I love and honour in the Lord, but more to see some of the same grounds of our actings stirring in you, that does in us to quiet us to our work and support us therein, which hath greatest difficulty in our engagement in Scotland, by reason we have had to do with some, who were (I verily think) godly, but through weakness and the subtilty of Sathan, involved in interests against the Lord and his people: With what tenderneſſe wee have proceeded with ſuch, and that in ſincerity, our papers which (I ſuppoſe you have ſeen) will in part manifeſt, and I give you ſome comfortable aſſurance off. The Lord hath marvelouſly appeared even againſt them; and now again when all the power was devolved into the Scottiſh Kinge and the malignant partie, they invading England, the Lord has rayned upon them ſuch ſnares as the enclouſed will ſhew, only the narrative is ſhort in this, that of their whole armie, when the narrative was framed, not five of their whole armie were returned. Surely Sir, the Lord is greatly to be feared, as to be praiſed, wee need the prayers in this as much as ever. How ſhall wee behave ourſelves after ſuch mercy? What is the Lord a doinge? What propheſies are now fulfilling? Who is a God like ours? to know his will, to do his will are both of him. I took this liberty from buſineſſe to ſalute you thus in a word, truly I am readie to ſerve you and the reſt of our brethren and the churches with you. I am a poore weak creature and not worthy the name of a worme, yet accepted to ſerve the Lord and his people, indeed my deare friend between you and me you know not me, my weakneſſes, my inordinate paſſions, my unſkilfulneſſe, and every way unſitneſſe to my worke, yet, yet, the Lord who will have mercy
on

on whome he will, does [237] as you see. Pray for me, salute all christian friendes though unknown, I rest

Your affectionate friend
to serve you,

Oct. 2d. 1651.

O. Cromwell.

This letter was copied from the original all wrote with the Protector's own hand.¹⁷⁷

Copy of a Letter from Mr. William Arnold to the
Governor of Massachusetts.

From Pautuxit this firste day of the 7th mo. 1651.

Much honoured,

I Thought it my dutie to give intelligence unto the much honoured court of that which I understand is now working here in these partes. So that if it be the will of God, an evill may be prevented before it come to too greate a head, viz.

Whereas Mr. Coddington have gotten a charter of Roade Iland and Conimacucke Iland to himselfe, he have thereby broken the force of their charter that went under the name of Providence, because he have gotten away the greater parte of that colonie.

Now these company of the Gortonists that live at Showomut, and that company of Providence are gathering of 200£. to send Mr. Roger Williams unto the Parlyament to get them a charter of these partes, they of Showomut have given 100£. already, and there be some men of Providence

¹⁷⁷ The original Letter was in the possession of Mr. Middlecot Cooke and delivered by him to Mr. Bollan agent for the Massachusetts in England. Its probable that Mr. Harris had a sight of it as the Letter is printed in Cromwell's life. The Letter from Mr. Cotton to Cromwell I never saw in print. H.

dence that have given 10£. and 20£. a man to helpe it forward with speede, they say heere is a faire inlett, and I heare they have said, that if the Parlyament doe take displeasure against Massachusitt, or the rest of the colonies, as they have done against Barbadas and other places, then this will serve for an inroade to lett in forces to over-runne the whole country.

[238] It is greate petie and very unfitt that such a company as these are, they all stand professed enemies against all the united colonies, that they should get a charter for soe smale a quantity of land as lyeth in and about Providence, Showomut, Pautuxit and Coicett, all which now Roade Island is taken out from it, it is but a strape of land lying in betweene the colonies of Massachusits, Plymouth and Conitacquot, by which meanes. if they should get them a charter, off it there may come some mischiefe and trouble upon the whole country if their project be not prevented in time, for under the pretence of liberty of conscience about these partes there comes to lieve all the scume the runne awayes of the country, which in tyme for want of better order may bring a heavy burthen upon the land, &c. This I humbly commend unto the serious consideration of the much honored court, and rest your humble servant to command.

William Arnold.

They are making haft to send Mr. Williams away.

We that lieve heere neere them and doe know the place and hear their wordes and doe take rotice of their proceeding doe know more and can speake more of what evill may come to the country by their meanes, then the court do yet consider off: We humblie desire God their purpose may be frusterated for the country's peace.

I humblie desire my name may be conceled lest they hearing of what I have herein written they will be enraged

enraged against me and so will revenge themselves upon me.

Some of them of Showomut that cryeth out much against them which putteth people to death for witches; for say they there be no other witches upon earth nor devils, but your own pastors and ministers and such as they are, &c.

I understand that there liveth a man amongst them that broke prison either at Conitaquit, or New-Haven, he was apprehended for adultery, the woman I heare [239] was put to death, but the man is kept heere in safetie in the midst of the united colonies; it is time there were some better order taken for these partes, &c.

I have hired this messenger on purpose. I humbly desire to heare if this letter come safe to your hands.

¹⁷⁸Copy of a Letter from the Commissioners of the United Colonies to the Governor of Canada.¹⁷⁹

Most illustrious Sir and much honoured Gentlemen,

WE have received your severall letters perused your Commissions, presented by your honoured agents, and seriously considered what hath been by them either in writing or conference propounded, concerning those injurious and hostile attempts made by the Mohawks upon some of your neighbouring eastern Indians, of whom (as we are informed) some are converted to the Christian faith, and others are willing to be taught and may in tyme prove disciples to our saving Lord and master, and as such we pity them, but see not how we can protect or afford the helpe desired, without
 exposing

¹⁷⁸ This Letter appears to be an answer to Proposals made by the French Governor, first to the Massachusetts afterwards to the united Colonies for a free trade, provided the English would join with the French against the Mohawks. H.

¹⁷⁹ This is printed in the Plymouth Records, ix. 201. W.

exposing the small English plantations and our owne neighbouring Indians (of which some also professe christianity) to danger; we give due credit to your deputies, and can conceive you may have just ground for a warre, but we have yett no just cause of quarrell with the Mohawkes, nor is it safe for us to engage in a controversy which we neither doe nor have meanes satisfyingly to understand, the Mohawkes neither being in subjection to nor in any confederation with us; we are free to hold a neighborly correspondence with you, and would have settled a free commerce betwixt the English and French colonies, but your agent thought it either unreasonablen till matters were composed betwixt the Mohawkes and your Indians, or else propounded such restrictions as would have taken away all conveniencie and [240] freedom from the trade. What hath hindred our present closing, the enclosed writing will shew, but if a fitter opportunity be offered we shall not be wanting to contribute to a more satisfying issue. In the meane time we rest.

New-Haven, Sept. 6. 51.

An Answer to the Propositions presented by the honored French Agent to the President and Commissioners for the English United Colonies.¹⁸⁰

1. **U**PON due consideration and respect of what the honored deputies from the illustrious Governor of New-France have informed and upon experience ourselves have had of the insolency and treachery of some of the barbarians, we can conceive and grant, that the French and those easterne Indians may have just grounds to their owne satisfaction, for a warr against the Mohawks.

2. The English looke upon all such Indians as receive the yoke

¹⁸⁰ This is printed in the Plymouth Records, ix. 202. W.

yoke of Christ with another eye than upon those that worship the Divell.

3. The English desire by all just meanes to keep peace (if it may be) with all men, even with these barbarians.

4. The Mohawkes, living at a distance from the sea, have little intercourse in these parts, but in the warr the English had with the Indians 14 or 16 yeares since, the Mohawkes shewed a reall respect, and have not since done any knowne hostile acts against them.

5. The English engage not in any warr before they have full and satisfiying evidence, that in all respects and considerations it is just, and before peace upon just termes hath been offered and refused.

6. The Mohawkes are neither in subjection nor league with the English, so that we can neither require any account of their warres, or other proceedings, nor have we meanes to informe ourselves what they can say for themselves.

7. If all other considerations were cleered, to make warr with the Mohawkes may endanger all our neighbour [241] Indians (of which divers professe christianity) and the rest doe rather expect just protection than that we should expose them, by our voluntary invading the Mohawkes.

8. Though the English in these jurisdictions are free to performe all neighbourly offices of righteousness and peace, towards the French collonie, yet they foresee they can neither permitt volunteeres or auxilliary forces to be taken up against the Mohawkes, nor that the French or eastern Indians passe through the English jurisdictions, to invade them, but they shall expose both the christian and other Indians and some of the smaller English plantations to dainger.

9. The English are much unsatisfied with that mischievous trade the French and Dutch have had and still continue, selling gunns, powder and shott to all the Indians, of which we have dayly complaints, and by which the Indians are animated and apt to grow insolent not only against Indian

dian converts and catechumens, but against the christians of Europe.

10. If the English colonies were assured of the justice of this warre, and engaged with the French to prosecute against the Mohawkes, yet we have no such short and convenient passage either by water or land to approach them, as may be had up Hudsons river, to and beyond Aurania forte, which is in the Dutch jurisdiction.

11. They hope the auncient peace and amitye betwixt England and France will be continued and confirmed, which they both desire and as far as lyes in them shall by all due means readily promote.

12. They conceive that the honoured deputies have power and authoritie at present to agree and settle a free commerce betweene the English and French colonies in these parts, but if the said deputies, upon reasons knowne to themselves, see cause to limitt the English colonies to such restrictions, or rather prohibitions as the unpriviledged French are under, that they may not trade till they have first procured a particular licence from the Governor and Councell of New-France, at least till they have issued the [242] present differences and settled peace with the Mohawkes, a fitter season for these treaties must be attended, which the Commissioners shall readily improve when it is presented.

The English Colonies, as in the 2d article, are ready upon a fitt opportunity to shew all due respect to all truly converted and christian Indians, and much more than to others, but while they live at such a distance from the English jurisdictions they neither may promise nor afford them any protection to secure them from dainger.¹⁸¹

Concerning

¹⁸¹ See Massa. Hist. V. I. p. 166. H.

Concerning the life of the famous Mr. Cotton, teacher to the church of Christ at Boston in New-England.¹⁸²

WHAT I have to adde concerning the life of this blessed man of God now tryumphing in glory, to what hath been already set forth by the reverend Mr. Davenport, the worthy pastor of the church of Christ at New-Haven, I shall hold forth in these particulars. 1. Concerning the place of his birth and education, till he went to the university and his abode in Cambridge. 2dly, Concerning his removal from Cambridge to Boston in Lyncolnshire, and what he met with and did there. 3dly, Concerning his departure from thence into New-England, and what service the Lord made him an instrument of in that remote country. For the first,

The place of his birth was the towne of Derby, the most eminent place in that country; his father trained him up to such learning as the schoole afforded, for the fitting him for Cambridge, whither he went when he was very young, at 13 years of age, and was admitted into the famous society of Trinity-College, where he fell soe hard to his studie, and soe profitted in the knowledge of the tongues and arts that he had undoubtedly beene fellow there, but that at that time their great hall was then [243] in building, which caused such expences to them that the election was put by or at least deferred till some longer time. And this providence I cannot passe by concerning him, that his father (whose calling was to be employed in the study and practise of the law) had not many clients that made use of his advice in law matters before, it pleased God after he was gone to Cambridge, to put his father

¹⁸² The Life of John Cotton is printed in Young's *Chronicles of the First Planters of the Colony of Massachusetts Bay*, p. 419—431. It may be worth noticing that a portrait of John Cotton is still extant, owned by Mrs. J. E. Thayer of Brookline, Mass. This has been engraved for Drake's *History of Boston*, but its authenticity is doubtful. Researches in England have determined all the points of Cotton's pedigree, and the result will soon appear in print. W.

father upon great practise, soe that he was very able to keepe him there and allow him liberall maintenance; insoemuch that the blessed man said, God kept me at the university. From Trinity colledge he removed to Emanuel colledge, the happy seminary of learning and piety, where he was honoured with a fellowship in that society, after a diligent and strict examen, according to the statutes of that house: wherein this is worth the taking notice of, that when the poser came to examine him in the Hebrew tongue, the place where he was to be examined was that in Isai. 3. that speakes against the bravery of woemen, which hath more hard words together than any place in the Bible within soe narrow a compasse, and might have posed a very good Hebrician, but he was very ready at it, and all those difficult words were easy to him. Afterwards he was head-lecturer and dean and catechist in the colledge, and was a diligent tutor to many pupills and very much beloved of them: His exercises that he performed in the colledge, whether in way of common-place or dispute, wanted not sinnewes and strength, were highly commended and applauded of those who knew him. The first time that he became famous throughout the whole university, was from a funerall oration which he made in latine for Doctor Some, who was Master of Peter-house, which was soe elegantly and oratoriously performed that he was much admired for it by the greatest witts in the university. After that, being called to preach at the university church called St. Maries, he was yet more famous for that sermon, and very much applauded by all the gallant schollars for it: After that, being called to preach there againe, God helped him not to flaunt, as before, but to make a plain, honest [244] sermon, which was blessed of God to famous Dr. Preston's soules eternal good: His *Concio ad Clerum*, when he tooke his degree for Batchelor of Divinity, which was after he had beene at Boston halfe a yeare or more, was very much admired and applauded more than he desired; his text was out of Math. 5. 13. *Vos estis sal*

sal terræ quòd si sal infatuatus fuerit, quo salietur? In handling of which, both the matter and the rhetorical streighnes, elegancy of phraſe, and ſweet and grave pronounciation rendered him yet more famous in the univerſity; and ſoe did his anſwering of the divinity act in the ſchools, though he had a very nimble opponent, Mr. William Chappel by name, who diſputed with him.

2dly. Concerning his removal from Cambridge to Boſton in Lyncolnſhire, this is to be ſaide, that his call was good, for their deſire was urgent, their need preſſed, their aſſembly of people very great, himſelfe very able, and his heart inclining to come to them. At his firſt coming he found ſome obſtruction from the Biſhop of the Dioceſſe, which was B. Barlow, who told him he was a young man and unfit to be over ſuch a factious people: Mr. Cotton being ingenuous and undervaluing himſelfe, thought ſoe too, and was purpoſing to returne to the colledge againe; but ſome of Mr. Cotton's Boſton friends underſtanding that one Simon Biby was to be ſpoken with, which was near the Biſhop, they preſently charmed him, and ſo the buſineſſe went on ſmooth, and Mr. Cot-

Which ſome called
Simony & Bribery.

ton was a learned man with the Biſhop, and he was admitted into the place, after their manner in thoſe dayes. Well, to Boſton the good man came, and for 3 yeares he preached and lived ſoe amongſt them, that they accounted themſelves happy (as they well might) in the enjoyment of him, both the towne and country thereabout being much bettered by him: But it pleaſed God, after 3 or 4 yeares being there, that he could not digeſt the ceremonies that were ſoe preſſed, nor conformity to them, which in ſome ſpace of time after bred him trouble in the court of Lyncolne, from [245] which he was adviſed to appeale to a higher court, and imploying Mr. Leverit (which was afterwards one of the ruling elders of the church at Boſton in N. E.) to deale in that buſineſſe, and he being a plaine man as Jacob was, yet ſubtile to get ſuch a ſpiritual bleſſing

bleſſing, ſoe far inſinuated himſelfe into one of the proctors of the high court, that he ſware *in animam Domini*, that Mr. Cotton was a conformable man, and ſo he was reſtored to Boſton; as likewiſe by the meanes that a gentleman of Boſton, called Mr. Bennet, uſed to bring him in againe: After which he was marvelous ſucceſſful in his miniſtry, till he had beene 20 yeares there, and in that 20 yeares ſpace, he on Lords-day, on afternoones, went over, thrice, the whole body of divinity in a catechiſtical way, and gave the heads of his diſcourſe to thoſe that were young ſchollars and others in that towne, to anſwer to his queſtions in publique, in that great congregation, and after their anſwers he opened thoſe heads of divinity and ſweetly applyed all to the edification of his people, and to ſuch ſtrangers as came to heare him: In the morning on the Lords day, he preached over the firſt ſix chapters of the goſpel by John, the whole booke of Eccleſiaſtes, the propheſye of Zephaniah, and many other ſcriptures, and when the Lords ſupper was adminiſtered (which was uſually every month) he preached upon 1 Cor. 11. and the whole 30th chapter of the 2^d Chron. and ſome other ſcriptures about the Lords ſupper: On his lecture dayes he preached through the whole 1ſt and 2d epiſtles of John, the whole booke of Solomons ſong, the parables of our Saviour ſet forth in Matthewes goſpel to the end of cap. 16. comparing them with Mark and Luke. He tooke much paines in private, and read to ſundry young ſchollars that were in his houſe, and ſome that came out of Germany, and had his houſe full of auditors. Afterwards, ſeeing ſome inconveniences in the peoples flocking to his houſe, beſides his ordinary lecture on the 5th day of the weeke, he preached thrice more on the weeke dayes, on the 4th and 6th dayes, early in the morning, and on the laſt day at 3 of the clock in the after[246]noone; only theſe 3 laſt lectures were performed by him but ſome few yeares before he had another famous colleague with him, and not many yeares before he left Boſton:

Boston: He alwayes preached at the election of their mayors and at that time when they tooke their oath and were installed in their office; and alwayes (if he were at home) at the funerals of those of the abler sort that died: He was frequent in duties of humiliation and thanksgiving, in which I have knowne him in prayer and opening the word and applying it, 5 or 6 houres, soe indefatigable he was in the Lords worke, and soe ready to spend and be spent for his peoples soules: He was of admirable candor, of unparalleled meeknesse, of rare wisdom, very loving even to those that differed in judgment from him, yet one that held his owne stoutly *arête tenens accuratèque defendens*, what himselfe judged to be the truth. He answered many letters that were sent far and neare, wherein were handled many difficult cases of conscience, and many doubts by him cleared, to the greatest satisfaction. He was exceedingly beloved of the best, and admired and revered of the worst of his hearers. Nothing was wanting to make him a compleat minister, nothing lacking to make him a perfect christian, but the perfection of grace which he hath now attained to, and the glory he hath now arrived at. He was a man who was in great favour with Dr. Williams the Bishop of Lincolne, who admired him for his learning, and (as I have beene told) when he was lord keeper of the great seale, he went to King James, and speaking of Mr. Cottons great learning and worth before him, the King was willing, notwithstanding his nonconformity, to give way that he should have his liberty, to goe on without interruption in his ministry, which was very marvelous, considering how the King's spirit was carryed out against such men; the mystery of which Mr. Samuel Ward of Ipswich being ignorant of, spake merrily among some of his friends: Of all men in the world I envy Mr. Cotton of Boston most, for he doth nothing in way of conformity, and yet hath his liberty, and I doe every [247] thing that way and cannot enjoy mine. He had many enemies at Boston, as well as many friends,

friends, and some that rose up against him and plotted secretly to undermine him, and others that practised more openly against him; but they all of them were blasted, either in their names, or in their estates, or in their families, or in their devices, or else came to untimely deaths, which shewes how God both owned his servant in his holy labours, and that in the things wherein they dealt proudly against him, he would be above them.

One thing more, and I have done with him as he was one of Englands gloryes, and then come to him as over the Atlantique ocean, and in New-England, and it is this; concerning his hospitality, wherein he did exceed most that ever I heard of, and especially his heart and doores were open to receive (as all that feared God, soe) especially godly ministers, which he most curteously entertained, and many other strangers besides; only one minister, Mr. Hacket by name, which had got into the fellowship of famous Mr. Arthur Heilderham, with many other godly ministers, and being acquainted with their secrets, betrayed them into the prelates hands; this man coming into Boston and meeting with Mr. Cotton, the good man had not the heart to speake to him, nor invite him to his house, which he said he never did to any stranger that he knew before, much lesse to any minister.

Concerning the last thing, viz. his departure from Boston to New-England. The times growing perillous, he was envied of some at home and others abroad; and letters missive were come to convent him before the high-commission-court, and a profligate fellow and a filthy fornicator, Gowen Johnson by name (who not long after dyed of the plague) was to bring the letters to him, as he did to some others near him, which when Mr. Cotton understood, he looked for nothing from the court but scornes and prison, and therefore with advice from many able heades and gracious hearts, he kept close for a time, and fitted himselfe to goe to N. E. and God bringing him and his [248] company over in safety, through his
mercy,

mercy, after they had beene there a while, there grew some trouble betweene those that were to settle matters in church and commonwealth, but Mr. Cotton then preaching before the general court an excellent sermon out of Hag. 2. Be strong Zerubbabel, and be strong Joshua, and be strong ye people of the land, &c. it pleased God soe to compose and calme and quiet spirits, that all apprehensions were laid aside, and they went about the worke of the Lord very comfortably and were much encouraged. After which time how usefull he was to England, to New-England, to magistrates, ministers, people, in publique, in private, by preachings, counsells, dissolving hard knots, and answering difficult questions, all knew, that knew the grace of God soe evidently manifested in him. What scriptures he went over on Lords dayes in expounding and preaching, I cannot certainly say, because I was of another church, serving there according to the grace bestowed upon me; but surely he went through very many, for on his lecture dayes he preached over the whole booke of the Revelation, Ecclesiastes and Canticles, the 2d and 3d Epistles of John, the 2 Epistles of Timothy, with divers others, all which shews the unwearied paines which he tooke in the Lords worke, besides all the bookes that were written by him, and other unknowne labours that he went through. I could speake much more, but at this present want strength, but this I say, he may be a patterne to us all, and happy they that come nearest him, in those things wherein he most followed Christ. I am not like to live to see such another in N. E. though I know God is able, to double the spirit of that Elias upon him that succeeds him, and upon many others in our native country and here. It is well for both the Bostons, that they had such a light, if they walke in the light, and continue in that word of Christ and light of grace and truth that he held out to them. I end all with that of our Saviour concerning John-Baptist, he was a burning and shining light, and God graunt the after words be not verified
of

of both England[s] [249] and both Bostons. I speake my feares, but would be glad to entertaine better hopes. My prayers shall be that it may never be said as of old, *Fuimus Troes fuit Ilyum, sed jam seges est ubi Troja fuit. Fuimus fideles, fuimus φιλοθεος fuit Anglia, fuit Nov-Anglia, fuit Bostonia Europæa, Americana; Deus Pater miserationum avertat omen per viscera Jesu Christi.* Amen.

Samuel Whiting, *Pastor Linnenfis
Nov-Anglicanus.*

Copy of a Letter from Mr. Cotton to the Bishop of
Lincoln.¹⁸³

To the right reverend and my very honourable good Lord,
John Lord Bishop of Lincoln, at his pallace in Kirk-
den, present these.

My very good Lord,

IT is now above twenty yeares agoe, since by the goodnes
of God and (for a good part of this time) by your Lord-
ships lawfull favour, I have enjoyed the happines to minister
to the church of God at Boston, a remote corner of your
Lordships diocesse. What I have done there, all this while,
and how I have spent my time and course, I must ere long
give account to the great shepherd of the sheep, the bishop of
our soules. Meane while, give me leave to make your Lord-
ship this short account: The bent of my course hath been
(according to my weake measure) to make and keep a 3 fold
christian concord amongst the people between God and their
conscience; between true hearted loyaltie and christian lib-
erty; between the fear of God and the love of one another.

That

¹⁸³ This Letter is not in order of time but may be considered as an appendage to the foregoing account of Mr. Cotton's life. H.

That wherein I have most seemed to your Lordship to fayle (to witt in not discerning christian liberty to practise some commands of authority, in some circumstances) I doe humbly thanke your Lordship, and freely acknowledge, your Lordship [250] hath not been wanting freely and often to admonish me thereof, and that with such wisdom and gravity, and with such well tempered authority and mildness, that I profess unfeynedly noe outward respect in the world could have deteyned me from requesting your Lordships favour with ready subjection to your Lordships counsell, that I might have prolonged myne owne peace and your Lordships favour together, but so it is (my good Lord) though I doe unfeynedly and deservedly honour your Lordship, and highly esteem many hundreths of other reverend divines, great lights of the church (in comparison of whom what am I poore sparke?) who doubt not of their liberty in those matters; yet to this day (I speake in the simplicity of my heart) I can only follow your Lordship with observance, and them with reverence, but not with that plerophory of fayth in these thinges which in such cases the apostle requireth, Rom. 14. 5. Your Lordship well knoweth it is both the apostles and prophets principle (and it holdeth in every righteous man from the meanest to the greatest) *Iustus ex fide sua vivit, non aliena*, and therefore, howsoever I doe highly prize and much preferre other mens judgment and learning, and wisdom, and piety, yet in thinges pertaining to God and his worship, still, I must (as I ought) live by mine own fayth, not theirs. Nevertheless, where I cannot yeeld obedience of fayth, I am willing to yeeld patience of hope.

And now, my good lord, I see the Lord who began a yeare or two agoe to suspend (after a sort) my ministry from that place by a long and soare sickness (the dregs whereof still hang about me) doth now putt a further necessity upon me, wholly to lay down my ministry there, and freely to resigne my place into your Lordships hands. For I see neither my

La

bodily

bodily health, nor the peace of the church will now stand with my continuance there. I doe now therefore humbly crave this last favour at your Lordships hand, to accept my place as voyd, and to admitt thereto such a succeſſor as your Lordship ſhall finde fitt, and the patron (which is the corporation of Boſton) ſhall preſent to [251] you therefor. The congregation is great, and the church duetyes many, and thoſe, many times, requiring cloſe attendance, and I would be very loth the ſervice of God, or the helpe of the people ſhould be in any fort neglected by my long diſcontinuance.

What though this reſignation of my place into your Lordships hands may be defective in ſome forme of law; yet I truſt your Lordship will never forgett the auncient moderation and æquity of that honourable and high court of chauncery, whereunto your Lordship was advanced, to temper the rigour of legall juſtice, to the relief of many diſtreſſed. Never (I thinke) came there any cauſe before your Lordship more diſtreſſed, nor more juſtly craving chriſtian æquity.

Now the Lord of heaven and earth ſoe guide and keep and bleſſe your Lordship on earth, that he may delight to crown your Lordship with honour in heaven, at the end of your dayes, through Jeſus Chriſt. Thus at once commending my humble ſute and late vicarage, and the comfort of the whole congregation to your Lordships honourable favour and integrity, I humbly take leave and reſt

A bounden ſuppliant to your Lordship and for you,

May 7, 1633.

J. C.

Copy of a Letter from Mr. Arnold to the Court held
at Massachusetts.

Pautuxit this 5th of September 1653.

THESE are to signify unto the much honored court that we understand how Gorton and his confederates are intended to send greate matters to Generall Cromwell or to other state of England against the state of Massachusetts about a letter that came into these parts from Massachusetts having four or five of the magistrates hands unto it, concerning the French shipe that was taken by [252] the deceite of Capt. Hull, in which letter as wee heare are seven reasons nominated to shew that it was not a lawfull prize, and in one of the reasons is mentioned the dissolving of the parliament, out of which reason, especially, Gorton takes greate hold to lay a strong accusation against the state of Massachusetts. And we further heare that they doe intend to write what construction they doe gather from it and withall they mind to send it with the said letters, having the magistrates own hands to it the which they thinke will be a sure testimony against the magistrates, &c. Now as soone as I heard of it I thought it to be my dutie with all expedition to write intelligence to the much honored court, I not knowing what mischief they may doe in such a case as they doe so much boast of, that the court might have notice of their evill purpose before hand that, if it may so please the Almighty, by his good providence and your wise consideration and vigilant care, the evill plot of your adversaries may be prevented, &c.

I rest your humble servant

to be commanded,

William Arnold.

I humbly desire that I may heare
whether this letter doe come
safe to the court, if not I may in
short time write againe, &c.

Copy

Copy of a Letter from Mr. Thomas Welles to Maj.
Robert Sedgewick and Capt. John Leverett.¹⁸⁴

Honored Sirs,

I Have received yours of the 5th of this instant, and have given a call for a generall courte, but our towns being farr distant wee cannot meete untill the beginning of the weeke. I have sent a messenger to Major John [253] Mafon who lives at Seabrooke, but he is not yet returned. I knowe that our colony will with all thankfullness imbrace this favour and respect from his highness and with all readines attend the counsell and advice of his commissioners; wee shall send one commissioner to joine in counsell with yours, and I suppose by this time you understand what concurrence there is from the Bay, that you might informe us what number of men you expect from us, and what kinde of provisions you most need, wee have at present plenty of biskett, and some porke, but little butter or cheese; also which way you intend your shipping shall come, and where our men shall meete, wee are altogether ignorant in the managing of affaires of this nature, and therefore desire you would dispatch our messenger with what speed you can, to give us some information and direction herein, and you shall find our readines to assist according to that little strength and means we are furnished withall. Also wee desire to know what number of land souldiers you can spare for the designe: It is thought by some that know the strength of the Dutch, that this service will require at least 500 land souldiers. Capt. Underhill and John Younge, who are gone towards the Bay, can best informe you of the state of things there, either in regard of fortification or the number of men, various reports come thence. I am glad to heare of your safe arrivall after so long and tedious a voyage, and hope you are preserved to be instruments for the

¹⁸⁴ This and the next Letter are answers to requisitions made by Oliver for aid in recovering what is now called New-York from the Dutch. H.

good of church and commonwealth, thus with remembrance of my due respect to yourselves, I take my leave and rest ready to attend the service as I shall receive further direction and advice from you and remaine,

Your loving friend,

Thomas Welles.¹⁸⁵

Hartford this 10th of June 1654.

[254] Copy of a Letter wrote by order of the General Court at Plymouth to Major Robert Sedgwick, &c. at Boston.

Gentlemen,

YOURS bearing date the 13th of these presents wee received by our messengers Capt. Standish and Capt. Willett, and having seriously agitated and deliberated upon particulars in reference to the command sent unto us by his highness the Lord Protector of England, Scotland and Ireland, as also unto your propofals; the result is that by the helpe of God wee intend to close with you in your intended enterprise against the Dutch at the Manhatoes with such small helpe as wee are able to aford; and according to your desire wee have appointed Capt. Thomas Willett to repaire to you with all convenient speed to aford what helpe may be for the facillitating the aforesaid expedition, and it shall be our endeavour to have such means conducing to the aforesaid expedition as wee are able to aford in as good readines as wee can with all convenient speed, we rest,

Sir, Your assured friends,

Nathaniell Morton,

Clarke by order of the generall court.

Plymouth the 15th of June 1654.

Application

¹⁸⁵ Thomas Welles was a Magistrate of Connecticut Colony, afterwards Governor, before Connecticut and New-Haven were united, and Deputy Governor after the Union. H.

Application of Sedgwick, Leverett and others to the
General Court.¹⁸⁶

Boston in New-England 20th October 1654.

May it please this honoured court,

Providence having soe disposed it as to bring the province of Accadia under the power and government [255] of his highness Oliver lord protector of England, Scotland and Ireland, we well knowing what greate respect you owe unto the state of England, and not doubting of your readyness in any thing you can to manifest the same to them, are therefore encouraged to make these few propositions in the name of his highness and the state of England.

1. That you would be pleased to declare that if the English inhabitting in the country of Accadia be at any time assaulted with an enemie, or in any occasion of needing helpe from this government, you will assist us with such men as we may stand in neede of, we paying for them according to the custome of paying souldiers in this country in any service you employ them in.

2. That as its well knowne that at present there is noe wayes to maintaine the vast expence of the garrison but by trade with the salvages, as its now a settled law in that province that not any should trade with them but such as are deputed by those in authoritie in the province, that accordingly you would assent and consent that law and order, soe far as that it may be effectuell in this government, soe as when any shall be convicted of the breach thereof they may suffer as if they had been taken in the province of Accadia.

Many reasons we might give, and shall if desired, why
there

¹⁸⁶ See Hist. Massa. V. I. p. 182 & 183, where he is supposed to have died in England. Cromwell sent him with stores after Penn to the West Indies. He was made a Commissioner after Winslow's death, and died himself at Jamaica in 1656. *Thurloe's Collection*, V. 5, p. 96. H.

there might be a compliance with us in this our request, but we hope that respect and compliance with England will be argument enough to admit this favour in which we hope we attend much the good of these plantations, and be confident you shall finde us readie to our power to serve you either here or in any place God shall cast us in, and remaine your humble servants,

Robert Sedgwicke,
John Leverett,
Wm. Hathorne,
Robert Fenn,
Mark Harrifon,
Robert Marftin.

[256] Copy of a Letter from^e the Corporation in England for propagating the Gospel, &c. to the Commissioners of the united Colonies.¹⁸⁷

The Commissioners of the Massachusetts presented this enfueing letter from the Corporation in England.

Gentlemen,

YOUR letter wee received and returne you this answer, that wee are very glad and approve of the accompts you sent over by the last, which are or may be satisfatory to the manifold objections have of late arisen about the same, for when (through mercy) our demeanors had stopped the mouths of all men heere, then the greate quere was, whether things sent were not misapplied with you in New-England. And truly you would wonder had wee but time to relate the severall sorts of objections, which for the most part turne all to obstructions for a season ; till by the elaborate paines of Mr. Winslow, wee are forced to take off and remove the same,
you

¹⁸⁷ This is printed in the Plymouth Records, x, 118. W.

you wrote to us not to send any more goods till you sent for them, and to tie ourselves to such and only such provisions to be sent. We are very well satisfied therewith, and there upon shall deceive the expectation of divers, that have written for letters, for printing paper, &c. and indeed in so writing you seem to understand your owne power and trust, but give us leave to tell you there is such a material objection here started as wee are ashamed of and know not how to answer, viz. the manifold complaints made by Mr. Elliot to sundry his friends here, that you allow him but £.20 per ann. which doth not beare his charges, insomuch as he runnes in debt every yeare more and more, and is disabled for giving his children that education he otherwise would. Now whether it be or no wee know not, but verily believe the worke will suffer some thousands of pounds by it, for it flyeth like lightning and takes like tinder, men being extreame glad [257] to meete with any thing may colour over their covetousnes, and dull their zeale in so good a worke: Nay Mr. Peters who, but fourteene daies before, told Mr. Winslow in plaine termes he heard the worke was but a plaine cheate, and that there was no such thing as gospell conversion amongst the Indians, presently after, charged the same man upon a letter he received from Mr. Weld, by information from Mr. Elliot that you the commissioners for the united colonies forbade the worke in that you would not allow competent maintenance to Mr. Elliot, and others that laboured therein; and however wee have otherwise charitable thoughts of Mr. Peters yett he hath been a very bad instrument all along towards this worke, who (though of a committee in the army for the advance of it amongst them) yett protested against contributing a penny towards it in person, and indeede some of us have been faine to intreate the rest of the gentlemen not to trouble him any further in the busines, nor know wee any cause unlesse it be that the worke is coming to such perfection and he hath not had the least hand or finger in it. These things wee thought good

good to acquaint you withall; and doe intreate that Mr. Elliot, Mr. Mayhew and such other eminent labourers as are employed therein may have greater encouragement from you than so; yea such according to what the Lord shall send in from time to time. Wee are farr from justifying Mr. Elliott in his turbulent and clamorous proceedings, but the best of Gods servants have their faylings, and as such so we looke upon him. The reason you send for nothing this yeare wee conceive is, because you have about 800*l*. in money stocke and debts with you, wee should be glad to hear that debts are received, and doe intreate you that the worke may not be retarded thereby; alasse, what pity were it that deserving instruments should be discouraged, and what a shame will it be to us here, besides an absolute period to all future collections, whereby Gods glory and the present opportunity will be lost in doing good to those poore soules; and lett not the late difference betweene your neighbours of the Massachusetts [258] setts and yourselves hinder,¹⁸⁸ we hope it is healed ere now, if not wee trust our letters (for wee are sensible of the breach and the evils may follow thereupon to the severall respective governments) will help forward the same; and lett us intreate you, since you order us to send nothing but what you give order for, to be very carefull to consider before hand what will be needfull, for we perswade ourselves you cannot buy any goods so well bought heere as what we send, for wee buy for ready money and beare the adventure, whenas others take not only twelve months time but their creditors stand to the adventure out and home, so that if you sell at 30 per cent, yett you give sixty for what you buy at least; but wee doubt not of your care, only we shall long to
heare

¹⁸⁸ This was a dispute between the Massachusetts and the other Colonies concerning the extent of the Power of the Commissioners. H.

heare again from you and that it may be with comfort and refreshing is the earnest desire of Gentlemen,

Your faithfull friends and fellow labourers
in this worke of the Lord,

Signed by the order and appointment
of the Corporation, by

Wm. Steele, President.¹⁸⁹

To which Letter the Commissioners returned this following Answer.¹⁹⁰

Honorable Sir,

YOURS of the 18th of February last wee have received, with the contents whereof wee are diversly affected; glad that the accompts wee sent do in any measure answer objections and remove obstructions; he who observeth all our carriage and aimes in this worke of his, knowes (that laying aside all sinister respects wee desire to improve all opportunities and order all disbursements for the advancement of the end designed, that if it please the father of mercies, the gospel of his sone may have a large [259] and powerfull entrance into the hearts of these poore Indians, but it is an afflicting consideration that the worke should receive any discouragement or hinderance either from Mr. Elliots penn or Mr. Peters speech. By a letter signed by Mr. Winflow in the name and by order of the honored Corporation, dated May the 1st 1652, wee understood what inconvenience did or might grow by the collections and disbursements made by Mr. Butcher not put into the corporation stocke and account, which (with you) wee desired might be brought into your treasury, as the right channell, accordingly wee enquired of Mr. Elliott what
fomes

¹⁸⁹ In the Plymouth Records we find this document dated "London, Coopers' Hall, 18 February, 1653," evidently 1653-4. W.

¹⁹⁰ This is printed in the Plymouth Records, x, 119. W.

somes are sent over yearly upon those more private accounts and how imployed, what part to the Indians, and what to himselfe and others who labour in the worke; he acknowledged some considerable somes of money came that way to his hands, but was slowe to give any account how much or how expended; heereupon wee did conceive that 20*l.* per ann. added to what he received by other meanes out of England and what he received from the church in Roxbury (which as we heare is not lesse than 60*l.* per ann.) might sufficiently mayntaine his family and afford due education to his children without running himself into debt. We shall now allow him forty pounds per ann. and, if there be cause, shall readily enlarge further, and so to Mr. Mayhew; all wee propound is, that as our masters acceptance is sufficient, nay rich wages, for any care or paines of ours in this worke, soe there may be some due proportion (as neere as wee can judge) betwixt the imployment and encouragement of other instruments. Through the blessing of him who is love itself and the God of peace, the Commissioners now mett at Hartford doe comfortably close, as in the affaires of the corporation, so in the other occasions of the confæderation, and hope they shall so proceede.

Mr. Elliot and Mr. Mayhew doe each of them propound the building a new meeting house for the Indians, besides the building in hand for some schollars at the college (whereof wee wrote the last yeare) and that allowance may [260] be made for interpreters, schoolmasters and others, to instruct the teachable Indians; one catechisme is already printed, and Mr. Pierfon is preparing another to suite these south-west parts, where the language differs, from theires who live about the Massachusetts; all which will occasion us to write for a considerable parcell of provisions, as the following invoice will shew; wee expect not so good pennyworths from any as from the Corporation, and though the ammunition were, in different proportions, this last yeare divided amongst the Colonies

onies and by them (with the advance formerly mentioned) since returned into the stocke, yet wee purpose to drive very little or no trade but upon the account and concernment of the Indians.

Mr. Rawson hath sent his accounts for the yeare past to the Commissioners now met at Hartford, but upon perusall wee finde something defective or obscure, so that wee returned them to him to be perfected, and must desire the Commissioners for the Massachusetts to review and upon their approbation to underwrite and send them for England. Wee here inclose the coppie of a direction sent us from the Massachusetts for letters for the use of printing, which we desire may be provided and sent. Thus, with our due respects, wee commend yourselves and the worke in hand to the blessing of the only wise and gracious God, resting

Your humble servants,

Hartford 18. Sept. 54.

Jn^o Webster,
Jn^o Mason,
Francis Newman,

Theophilus Eaton, Presidt.
Symon Bradstreet,
Daniell Dennison,
Tho. Prence,
Jn^o Browne.

[261] Instructions for Major Symon Willard,¹⁹¹ commander in chief of our forces, and such as are joyned with him as a counsell of warre.¹⁹²

YOU are to take under your charge and command all such forces, horse and foote as, according to the order of the Commissioners,

¹⁹¹ This is printed in the Plymouth Records, x, 131; in that record, however, the name of the commander is left blank, none having been then appointed, as Willard's letter following this shows. W.

¹⁹² The Commissioners were of opinion that it was necessary to enter into a War with the Naraganset Indians. The Massachusetts Colony was averse to it. Willard was a Massachusetts man and seems to have defeated the intent of the Commissioners. H.

Commissioners, are or shall be levyed, out of three of the Collonyes, with which you are to be at the appointed rendezvous at Tho. Stantons, at or before the 13th of October next, and forthwith to march into the Nianticke country to the place of Ninnegrets ordinary residence, and to demand of him (if he may be spoken with) a present and full surrender of all the Pequotts under him, or lately living upon his land, and if he doth not forthwith consent, then to take them by force from him or any that shall harbor or detaine them and to remove and settle them under the protection of the English and under such government as Mr. Winthrop, Major Mason and Capt. Dennison shall appoint, till the Commissioners shall take further order, without increasing the tribute formerly due from them.

And further, to require and take of Ninnigret the tribute due for time past, for the said Pequotts, together with the charge of this expedition, or some considerable parte of both, and to give him time for the rest, according to your discretion, as may stand with the honor of the English and the safety of the country.

And you are in the name of the Commissioners to prohibit him and the rest of the Narragansett Sachems to make any further attempts upon the Long Island Indians, and to assure them that the Commissioners will lay the like charge upon the Long Island Indians not to invade or disturb them, which if he refuse, and that the peace of the country can by no other means be provided for, you are to proceede as the case requires. But if Ninnigret shall not oppose the removal of the Pequotts but shall demean [262] himselfe fairly in that business and shall submit to our charge, and promise that he will not further disturb the peace of the country, wee judge it not expedient at this season of the yeare to beginne the warre upon him barely for the non payment of the tribute and charges, supposing also, that you may use other means to drawe some part of it from him

him at present and the residue may be forborne for some convenient time, provided if the Pequotts cannot be prevayled with to come under the government and protection of the English, then if Ninnigret shall pay the tribute past and the charges of this expedition, and promise not to disturbe the peace of the countrie for time to come by making warre upon our friends and confederates without our consent, according to his covenant made at Boston anno 1645, as also to pay the tribute for such Indians as are under him for time to come, according to the last agreement at New-Haven 1651, he may enjoy the said Pequotts still without disturbance or any further proceeding against him.

But if you shall finde the designe cannot be carried on without a great force, then you shall with all expedition send to the severall colonies for the rest of the forces in this case ordered by the Commissioners, which you are to improve according to your best skill for the speedy reducing of Ninnigret to subjection or tribute, with securitie by hostages, for his performance of the same.

And if yett a greater force shall be found necessary you are to give notice to the severall colonies of the whole number you desire, that they may send their severall proportions according to the agreement of the Commissioners.

You shall, if you thinke fitt, send to Uncas (whom wee have prepared) to assist you and may be very usefull in the service. You are to make faire warre, without exercising crueltie and not to put to death any whome you have taken captive, if you canne bestow them without dainger of your owne men.

If you finde any English straglers, traders or others, whom you shall suspect to give intelligence, or to furnish [263] with armes or ammunition, or to give any other aid to the enemy, you may secure them or send them to Boston.

Lastly, and above all the rest, wee commend to your christian care the upholding of the worship of God in your army

army and to keepe such watch over the conuerſation of all thoſe under your charge that all prophanes and impiety, abuſe of the ſacred name of God, luxury and other diſorders may be auoyded, or duly puniſhed, that the Lord may be pleaſed to goe forth before you, proſper all your proceedings and re-
turne to us in peace, which wee ſhall daily pray for, &c.

Given at Hartford,
September 25. 1654.

Jn^o Webſter,
Francis Newman.

Theophilus Eaton, Preſident.

Symon Bradſtreet,

Daniell Denniſon,

Tho. Prence,

Jn^o Browne,

Jn^o Maſon.

Copy of a Letter from Major Simon Willard to the
Commiſſioners of the united Colonies.¹⁹³

Honoured Gentlemen,

YOurſelves having beene pleaſed to appoint and give a
commiſſion for a general to command over all the
forces, by you appointed to be raiſed out of the united col-
onies in the expedition againſt Ninnigret, which you referred
to the counſill of the Maſſachuſetts to compleat, they have-
ing after the refusall of Major Gibbons and Major Denniſon,
Capt. Atherton being abſent, pitched on myſelfe (though
unworthy accepted thereof in hope of Gods gracious aſſiſt-
ance therein) Theſe are therefore to informe you, that I
addreſſed myſelfe accordingly, and with the unanimous con-
ſent of my counſill, have with the beſt of our underſtanding
of your inſtructions (which were not ſo clear as wee could
have wiſhed) repaired to the place of randevouz, indeavoured
to have had full diſcourſe with Ninnigret, who, before we
came

¹⁹³ This is printed in the Plymouth Records, x. 144. W.

came, had swampt¹⁹⁴ himfelfe and [264] refused conference with us, as appears in the narrative which I send you, therefore, considering the season, tediousnes of the march of the foote, and streightnes of our instructions, contented ourselves with reducing of those Pequotts, as wee have certified you. On those termes wee endeavoured your full satisfaction, and wherein wee have fallen short, wee hope you will putt a candid interpretation. I shall say no more at present but commend you to the protection, direction and blessing of the Almighty and remaine, Sirs,

Dated 26th of 8th
mo. 1654, Boston.¹⁹⁵

your humble servant,
Simon Willard.

The Narrative follows.

MY selfe, whose name is underwritten, being impowered by the Commissioners of the United Colonies, bearing date the 25 Sept. 1654, doe declare the particular acts of the proceeding of the councill of warre, being assembled at Thomas Stantons, according to the instructions received from the said Commissioners, as followeth.

Imprimis, our first instruction being forthwith to march into the Nyanticke countrey, the place of Ninnigrets ordinary place of residence, and to demand of him (if he may be spoke with) the Pequotts, &c. The reasons why wee did not attend to that particular was, wee knew he was removed from that place up into the woods into a swamp, some 15 myles from our quarters, and further, by a storm the boates of Conecticott and Newhaven, whereas all were to meete 13 October 54, we say, the boates and some of the souldiers with their stocke of ammunition came not to us untill the 16th day the one, and the 17th day the other. Further, we had one clause in our instructions to act as might stand with the honour of the
English

¹⁹⁴ A common expression to signify the retreat or resort of the Indians into boggy Places full of Woods where the English must be under great disadvantage in an attack upon them. H.

¹⁹⁵ The printed Records say 16th of 8th mo., 1654. W.

English and the safety of the country, but for us to move with our forces we thought it would make great rumour to stir amongst the Indians, when they should hear we were returned to our quarters and did nothing; therefore we thought it would expedite our work to attend that that was presented to us, which are as followeth,

[265] First, Ninnegret having some of his Indians present with us, who as we supposed were willing to save up things as well as they could, we agreed to send some of them to him to advise him to come and speak with us, but we having intelligence of his great fear to consent to this motion, we offered him hostages for the security of his person, and if this pleased him not, he should acquaint us what he would desire to secure him; his answer was, by 4 of his men, that one of our Indians had taken away a canoe of his and made prize of it, and upon this he was more afraid than before.

2dly, He demanded what he had done to the English that they came so against him round about, and will not let him alone, and he would desire to transact this business by messengers, and not come face to face.

3dly, He said his father was a friend to the English in former times, and he wondered they should be so against him now. Our answer to these things were as followeth. First, we knew nothing of the canoe, and that if any of our Indians had wronged him in this kind they should restore it againe; but they would not forbear this discourse, so we sent them away with these following answers, First, we wondered that he, a wise man as he would be accounted, that he should offer to hold us in discourse about such a trifle as a canoe is, either he must be unwise himselfe, or thinke us unwise, if we should be delayed with such things as these. 2dly, That it was not the fashion of the English to transact things of such a nature by messengers from an ambassador, but to come face to face. 3dly, If this course might have beene taken, we could have done this from the place of our habi-

Na

tation,

tation, without raising these forces. The 16th, there came some of the Pequotts and told us that, the day before this, they went towards Ninnegretts company to perswade their kindred to come from him, fearing otherwise it would goe ill with them, but they met with three Pequotts that did adhere to Ninegrett, who asked them what they did there, they said they had something to doe; then they asked our Pequotts [266] how many there were of them, they said 30, then said the 3 men there are, 30 heads for us; then our Pequotts said they did attend the English to carrey letters or burthens abroad, where the English should have occasion to send them, then one of the 3 men told them they would have their 30 heads before tomorrow in the afternoone, though the English men were with them, and they said they would not desert from the warr against the Long Islanders, neither would they forsake Ninegrett. This day they came into us and gave in their names to the number of 73. The 17th day there came into us more Pequotts that lived neere to Ninegrett, which, before, wee commanded to bring away their houses and goods, which things they did, and gave in their names as the rest to the number of 36. The 18th day, Ninegrett still keeping off and would no ways comply with us, wee agreed and sent two gentlemen with two to attend them, and two interpreters to make some demands of him; but there being fixe he refused to speake with above two of them, but after much debate with his scouts and some of his chiefe men, they came to speake with them, viz. Capt. Davis and Capt. Seely, and first they demanded the Pequotts under him, his answer was, why doe yee demand the Pequotts of me when you have them already? they demanded more, his answer was he had not above 3 or 4 with him, but the rest were disposed abroad a hunting and elsewhere, but in the issue he ingaged by writing to surrender all that were under him into the hands of Mr. Winthrop or Capt. Mason within seven days. 2dly, They demanded the tribute due for the Pequotts, his answer was he never engaged
for

for them ; he was told he payd it at New-Haven ; he said the reason of that was he feared they would have been taken from him, therefore he payd 9 or 10 fathom of his owne peage to make up the some. 3dly, They further required not to make any more war against the Long Island Indians, to this he was silent for a time, but after said this ; shall such a prince and two such captains loose their lives and their blood not be revenged ? the answer to this was, [267] he must act in a right way by making the commissioners acquainted with it, but he was silent Further he was charged not to molest them nor any other of the friends of the English lest his head were set up upon an English pole. Also he was informed that none of ours should molest him. 4thly, The charges of this expedition was demanded of him, his answer was he was not the cause of it, but the Long Island Indians killed him a man at Connecticott.

A Copy of the Covenant with Ninegret.¹⁹⁶

WHEREAS the Commissioners of the united Colonies demand by their messengers that I deliver up to the English all the captive Pequotts in my countrey, I hereby ingage myselfe to furrender the said Pequotts within 7 dayes to Mr. Winthrop or Capt. Mafon. Witnes my hand. And so he set his marke the 18th of 8ber 54.

Witnes	Thomas Stanton	} Interpreters.
	Valentine Whitman	

Witnes also Thomas Blighe.

The 19th day a copie of the covenant or promise of Paukannufamon, being a Narreganset Sachem who had divers of the Pequotts under him, who had subscribed their names unto us, who promises to live peaceably and not disturbe any
of

¹⁹⁶ This is printed in the Plymouth Records, x, 147. W.

of the friends of the English, and desires not to be disturbed by any of them, and so sett his marke.

A copie of the Pequotts covenant whereto they subscribed the 16th and 17th of the 8th moneth 1654.

WE whose names are underwritten, being captive Pequotts and tributaries to the English, and haveing lived some time under the protection of Ninegrett, doe freely consent to the Commissioners of the united English colonies to remove to such places as the said Commissioners doe or shall appoint us, and doe hereby disowne the jurisdiction of Ninegrett over us, and that wee intend really [268] so to doe, wee here give in our names severally with our owne markes affixed. Further we do hereby engage ourselves hereafter not to joyne in any warre with Ninegrett or any other, without the full and free consent of the Commissioners of the united English Colonies.

This is a true account of our actions in each particular by the councill of warre. Simon Willard.

This 20th of the 8th moneth 1654.

Wee sett upon our march from Boston the 9th of the 8th moneth 1654. Wee returned againe to Boston the 24th of the same month.

Copy of a Letter from Mr. Edward Winslow, to Secretary Thurloe.

Right Honourable,
ABOUT twelve days since I wrote to you by Capt. Col-
 lens, wherein I gave you a large account of our pro-
 ceedings in this land of the Barbadoes; how that by Gods
 blessing

bleſſing we attained our paſſage in five weekes, made the 2500 men we landed 6000, and becauſe our ſtores for the army were not as yet come up cloſe we ſhould loſe the drie ſeaſon and my lords honor ſuffer thereby and have ſcrabled up ſo many arms as to make the 1500, we here brought, 6000 or near thereabout: that we raiſed two ſmall troopes of horſe upon the iſland and gotten ſuch and ſo many other ſtores as we are to ſett ſaile this evening from the place: We thought to have gone the 24th inſtant but could not attaine thereunto. Since which time came Capt. Haſſefield of London and tells us of the Great Charity, that ſhe was at ſea with him; but ſaies that ſhe with many others in company were forced back by the fowle weather. This gentleman was above two months from Falmouth hither, and tells us our ſtoreships were in the Downes with a ſafe convoy and believes they will [269] be here ſpeedily; but truly, Sir, we are ſo weary of wayting and the ſeaſon ſo neer ſpent as we are reſolved to caſt ourſelves into the arms of Almighty God, whoſe providence we truſt will be ever for good and will owne us as inſtruments in his right hand to execute his determined vengeance upon that tyrannous and idolatrous and bloody nation that hath inflicted ſo many cruelties upon the nations of the earth in their diſtreſſed members and not the leaſt upon ours. We have agreed to order the Great Charity to ſtay heer till our ſtores come up and then to convey them to us. The general hath ſettled the militia of the iſland and given commiſſion to ſowre regiments of horſe and fowre of foote and made the governor his lieutenant-generall and Col. Collifon major-generall of this iſland. I hope it will conduce to the publick weale of the place. We have made bold to refer our commiſſioners to make uſe of their exciſe office whereof the governor had a 3d, which 3d we ſtill leave him to poſſeſſe; but whereas they call upon their articles I tell them they have broken that article, for whereas they were to pay the publick debts of the iſland therewith they have received all thoſe two yeares profitts
paſt

past and we none at all, and now we shall reape the cropp of this 3d yeare, but with a greate deale of indignation to many. We aske them how long his highnes shall waite their pleasure to receive his royalties? We have such a body of busines to goe through this day that I feare I shall not be able to write over my letter anew. If it so fall out I had rather send you a blotted paper than a note, and write amongst a crowd of people as I do here than not to write at all: and I trust your honor will bury it amongst the rest of my infirmities which is the earnest desire of

Right honourable your most humble
Barbados, March 30. 1655. servant

Edw. Winflow.

I humbly entreate your honor to
get a dispatch to Capt. Paris
and Capt. Turners busines.

[270] Copy of a Letter from the Commissioners of the united Colonies to Major Willard.¹⁹⁷

Loveing friend Major Willard,

WEE have received and considered both the letter you writt and the trust committed to you, and the account thereof, the last yeare, in which (to speake candidly according to your desire) wee finde mistakes and errours, we heare you had not the unanimous consent of your councill, and certainly your instructions (which stand upon record in each of the united colonies) are cleare enough to have guided you to a further progresse than you made in the service, nor doe wee finde any considerable difficultie in the way. Ninegrett, through the feare that then possessed him, might (in all probability)

¹⁹⁷ This is printed in the Plymouth Records, x, 148. W.

ability) have been enforced to receive any impressi^on the chief commander of such forces would have putt upon him, but the not improving of a season (especially in such a service) is oft attended with mischievous consequences. Ninegrett, who whilst our smale army was there, had his mouth as in the dust, soone after grew high and insolent in his speech and carriage, refuseth to deliver the rest of his Pequotts, threatens them that have left him, hath againe invaded the Long Island Indians, our friends, tributaries and in covenant with us; some blood is already shed, how much more may be shortly shed is not yet knowne, and how farr our charge and danger may be increased by his pride and treachery ingaging forreign Indians against us, and what further inconveniences may arrise from your nonattendance to your commission is yet uncertaine, and as doubtfull how they may be prevented; but what satisfaction may be from yourselfe, and those of your councill that joyned with you, expected, wee leave to the consideration of the colonies and rest

Your loveing friends,

James Cudworth	Theophilus Eaton, President.
John Mason	Simon Bradstreete
John Cullick	Daniel Dennison
Wm. Leete.	John Browne.

New-haven, Sept 19. 1655.

[271] Copy of a Letter from the General Court of the Massachusetts to Mr. Hopkins.¹⁹⁸

Much honnored Sir,

I Am required by our generall court to signify unto you, that they have not binn nor are without a due sense of the many singular expressions of your faithfull love to them,

¹⁹⁸ Mr Hopkins who had been Governor of Connecticut was at this time in England in favour with Oliver. H.

them, in your best endeavours to promote their affaires (which they have binn informed of) in your readines at all times to afford their late agent Mr. Winslow your best furtherance and assistance, as need required, though as hitherto they have not had the opportunity to returne you their gratefull acknowledgments, as you might before now justly have expected. But assure yourselfe, deare Sir, however they have binn wanting in this respect, yett their best desires at the throne of grace have not binn wanting to emprove a rich recompence of reward on your head and heart as well as on many others whom the Lord hath stirred up to wish well to his exiled ones in these parts, and are not without hope the Lord will more and more encourage you according to the mercies you receive. Opportunity he puts into your hands whilst you are heere to be acting for him, who is and will be a rich paymaster in the end. Sir, our court understanding of your illness and the many imployments that are on you, have contented themselves in desiring, as opportunity shall present and as Capt. John Leveret whom they have now commissioned as their agent shall desire, your continued helpfulnes and assistance of him in promoting their affaires with his Highnes the Lord Protector and his honorable Councell, as neede shall be, whereof they hope you will have no cause to repent, not being willing further to interrupt you in your weighty imployment, the prosperity whereof is the dayly prayers of, Sir, Your obliged

and well-wishing friends.

Novemb. 1655.

Edw. Rawfon, Secretary.

In the name and by the order of the Generall Court.

[272] Copy of the General Courts Commission to Capt. John Leverett, Agent for them.

The Generall Court of the Massachusetts in New England assembled at Boston the 23d of November 1655.



*Locus
Sigilli.*

To our trustie and much honoured friend
Captaine John Leverett.

*Jo. Endicott,
Gov.*

WHEREAS this court hath chosen and appointed you to be their agent in England during your aboade there: You are heereby commissioned and impowered according to instructions heerewith given unto you to appeare for us and act in our behalfe in all matters of concernment to us, before his Highnes the Lord Protector of the Common Wealthes of England Scotland and Ireland and his honourable Councill there. Given at Boston the day and yeare above written. In testimonie whereof the seale of this colonie is heereunto affixed.

By the Court, Edward Rawson, Secretary.

The General Court's Instructions.²⁰⁰

Instructions for our trustie and much honoured friend Capt. John Leveret, chosen and impowered by this Court as our Agent to present our desires to his Highnes, or Counsell of State in England, and to negotiate our affairs there as opportunitie may afford or emergencie of occasions require, according to the ensuing Instructions.

1. You

²⁰⁰ The original is in the library of the Massachusetts Historical Society. W
Oa

1. **Y**OU are desired to take the first convenient opportunitie to present the letter from this Court (heerewith delivered) unto his Highnes. And upon all [273] occasions to let his Highnes understand how thankfullie we accept and at all tymes readilie acknowledge his Highnes favour and clemencie towards us, and to assure him of our reall and syncere affection towards his Highnes and readines upon all occasions to be serviceable unto him to the utmost of our power and abilitie.

2. You are also requested to informe his Highnes of a letter sent the last yeare to Mr. Winslow to be presented unto his Highnes, and that it is our humble desire to know if his Highnes received it (a copy whereof we have heerewith delivered you) and diligently to observe what sence his Highnes shall be pleased (of himselfe) to expresse concerning the same.

3. That you also humbly desire on our behalfe that seeing our former agent is dead, and we have many enemies in the world, that all complaints made against us by one or other may take no place in his princely breast, but be suspended from all beliefe till we may have knowledge thereof and opportunitie to answer for ourselves.

4. If peace be concluded betwixt England and France, and the French fortes in these partes included therein, and that you finde a propensitie in his Highnes to gratifie New England with the same, that you improve your best interest and opportunitie for the obtaining thereof, provided they be free from charges and other engagements. .

5. You are further hereby desired humbly to move his Highnes that this countrie may have the opportunitie to furnish his fleet at Jamaica with provisions of wheat, beef, pork, &c. to the value of ten or twelve thousand pounds per annum, for bills of exchange into England, according to his
Highnes

Highnes order, and to promote the setting of a magazine heere for supplying the West India fleet as occasion may require. And in this affaire, if you see cause or neede, you may improve the helpe of Mr. Peters, Mr. Hopkins, or any other friend of ours, and may ingage for the prices to our best advantage, or as they gave the last yeare.

[274] 6. If any complaint be made by Mr. Rigby concerning our clayme by virtue of our patent, as intrrenching upon what he calls the province of Ligoma, you may for the present make the best answere you may, for the reasons exprest in our answere given Mr. Cleaves agent, a copie whereof we herewith deliver you, which if it satisfie not, you may crave libertie for our further answere.

By the court,

Edward Rawson, Secretary.

Boston 23d of November 1655.

Copy of an Address to his Highness Oliver Cromwell.²⁰¹

May it please your Highness,

AMIDST the thronge of important suiters and oppressing multitude of occasions of high concernment, to accept of our most humble thankfull acknowledgment of your continued favours to us poor exiles in these utmost endes of the earth. We might account it no little disadvantage whilest others having nearer access to your highness, and thereby opportunitie to testifie their zeale for your service, that we by our distance should be disenabled from giving any other demonstration than an anniversary acknowledgment of our obligation, were it not that your owne goodnes under God were the fountaine whence all these streames of bountie have
been

²⁰¹ The original is in the library of the Massachusetts Historical Society. W.

been derived unto us, whereby we are encouraged to hope as we have good cause to beseech for the continuance thereof: The want whereof would be most prejudiciall if not destructive to this colonie, when the endeavours of some may be to misinforme your highnes, by presenting complaints against us, we having none to intercede for us or truely to represent unto your highnes in our behalfe: The consideration whereof, were not God our gracious father in the Lord Jesus, would overwhelme us did not the assu[275]rance of your highnes clemency patience and singular affection support us; But that we might not seeme to be wanting in the defence of our owne innocencie, nor presume too far upon your highnes indulgence, we have desired our loving and honoured friend Capt. John Leveret to give your highnes a true account of all our actings wherein your highnes shall see cause to require satisfaction, not doubting but the clearing of our innocencie will be most acceptable to your highnes, being confident no impression to the contrary will be received, before we have had the opportunitie to vindicate the same from any aspersions that may occasionallie be cast upon us. We dare not presume further to detain your highnes from the care of your more weightie affaires, the prosperous successe whereof is the daily prayer of

Your highnes most humbly
devoted servants,

J. Endecot, Gov.
R. Bellingham, D. Gov.

Copy of a Letter from Mr. Roger Williams President of Providence Plantations, to the General Court of Magistrates and Deputies assembled at Boston.

Providence 15. 9mo. 55. (so called)

Much honoured Sir,

IT is my humble and earnest petition unto God and you, that you may so be pleased to exercise command over your own spirits that you may not mind my selfe nor the English of these parts (unworthy with myself of your eye) but only that face of equitie (English and christian) which I humbly hope may appeare in these representations following.

[276] First, May it please you to remember, that concerning the town of Warwick (in this colonie) there lies a suite of £.2000 damages against you before his highnes and the lords of his councill, I doubt not if you so please but that (as Mr. Winslow and myself had well nigh ordered it) some gentlemen from yourselves and some from Warwick deputed, may friendly and easily determine that affair betweene you.

Secondly, The Indians which pretend your name at Warwick and Pawtuxet (and yet live as barbarously if not more than any in the country) please you to know their insolences upon ourselves and cattell (unto £.20 dammages per annum) are insufferable by English spirits; and please you to give credence that to all these they pretend your name and affirme that they dare not (for offending you) agree with us, nor come to rules of righteous neighbourhood, only they know you favour us not and therefore send us for redresse unto you

Thirdly, Concerning four English families at Pawtuxet, may it please you to remember that two controversies they have long (under your name) maintained with us, to a constant obstructing of all order and authoritie amongst us.

To

To our complaint about our lands they lately have profest a willingnes to arbitrate, but to obey his highnes authoritie in this charter, they say, they dare not for your sakes, though they live not by your lawes, nor bear your common charges, nor ours, but evade both under colour of your authoritie.

Honoured Sirs, I cordially professe it before the most high, that I believe it, if not only they but ourselves and all the whole country, by joint consent, were subject to your government, it might be a rich mercy; but as things yet are, and since it pleased first the parliament, and then the lord admirall and committee for foraigne plantations, and since the counsell of state, and lastly the lord protector and his counsell, to continue us as a distinct colonie, yea and since it hath pleased yourselves by publick letters and references to us from your publick courts to owne [277] the authoritie of his Highnes amongst us; be pleased to consider how unsuitable it is for yourselves (if these families at Pawtuxet plead truth) to be the obstructers of all orderly proceedings amongst us; for I humbly appeale to your owne wisdomes and experience how unlikely it is for a people to be compelled to order and common charges, when others in their bosoms are by such (seeming) partialitie exempted from both.

And therefore (lastly) be pleased to know, that there are (upon the point) but two families which are so obstructive and destructive to an equall proceeding of civill order amongst us; for one of these 4 families, Stephen Arnold, desires to be uniforme with us; a second Zacharie Rhodes, being in the way of dipping is (potentially) banished by you. Only Wm. Arnold and Wm. Carpenter (very far also in religion from you, if you knew all) they have some colour, yet in a late conference they all plead that all the obstacle is their offending of yourselves.

Fourthly, whereas (I humbly conceive) with the people of this colonie your commerce is as great as with any in the countrey, and our dangers (being a frontier people to the
Barbarians)

Barbarians) are greater than those of other colonies, and the ill consequences to yourselves would be not a few nor small, and to the whole land, were we first massacred or mastered by them. I pray your æquall and favourable reflection upon that your law which prohibits us to buy of you all means of out necessary defence of our lives and families (yea in this most bloody and massacring time.)

We are informed that tickets have rarely bene denied to any English of the country; yea the barbarians tho' notorious in lyes) if they professe subjection, they are furnished: Only ourselves, by former and later denyall, seem to be devoted to be the Indian shambles and massacres.

The barbarians all the land over are filled with artillerie and ammunition from the Dutch, openly and horridly, and from all the English over the country (by stealth) I know they abound so wonderfully, that their activitie and insolencie is grown so high, that they dayly consult and [278] hope and threaten to render us slaves, as they long since (and now most horribly) have made the Dutch.

For mysele (as through Gods goodnes) I have refused the gaine of thousands by such a murderous trade, and think no law yet extant amongst yourselves or us secure enough against such a villainie; so am I loath to see so many hundreds (if not some thousands) in this colonie destroyed like fools and beasts without resistance: I grieve that so much blood should cry against yourselves, yea and I grieve that (at this instant by these ships) this cry and the premises should now trouble his highnes and his councill. For the seasonable preventing of which is this humble address presented to your wisdome, by him who desires to be

Your unfeigned

and faithful servant,

Roger Williams,

of Providence plantations, president.

Hon.

Hon. Sirs, Since my letter, it comes into my heart to pray your leave to add a word as to myfelfe, viz. At my laſt returne from England I preſented your then honoured governor, Mr. Bellingham, with an order of the lords of the counsell for my free taking ſhip or landing at your parts, unto which it pleaſed Mr. Bellingham to ſend me his aſſent in writing. I humbly crave the recording of it by yourſelves, leaſt forgetfullnes hereafter againe put me upon ſuch diſtreſſes as, God knows, I ſuffered when I laſt paſt through your colonie to our native country.

Copy of a Letter from Providence Plantations to the
General Court of the Maſſachuſetts.

Providence, 12. 3. 56. (ſo called)

MAY it pleaſe this much honoured aſſembly to remember that, as an officer and in the name of Providence Colonie, I preſented you with our humble re[279]queſts before winter, unto which not receaving anſwer I addreſſed myſelfe this ſpring to your much honoured Governor, who was pleaſed to adviſe our ſending of ſome of Providence to your aſſembly.

Honoured Sirs, our firſt requeſt (in ſhort) was and is, for your favorable conſideration of the long and lamentable condition of the town of Warwick, which hath been thus. They are ſo dangerouſly and ſo vexatiouſly intermingled with the Barbarians, that I have long admired the wonderfull power of God in reſtraining and preventing very great fires, of muſtall ſlaughters, breaking forth betweene them.

Your wiſdomes know the inhumane inſultations of theſe wild creatures, and you may be pleaſed alſo to imagine, that they have not bene ſparing of your name as the patron of all their wickednes againſt our Engliſh men, women and children, and cattle to the yearly damage of 60, 80 and 100*l*.

The

The remedie is (under God) only your pleasure that Pumham shall come to an agreement with the towne or colonie, and that some convenient way and time be set for their removall.

And that your wisdomes may see just grounds for such your willingnes, be pleased to be informed of a realitie of a solemne covenant betweene this town of Warwick and Pumham, unto which, notwithstanding that he pleads his being drawne to it by the awe of his superiour Sachims, yet I humbly offer that what was done was according to the law and tenour of the natives (I take it) in all New England and America, viz. that the inferiour Sachims and subjects shall plant and remove at the pleasure of the highest and supreme Sachims, and I humbly conceive that it pleaseth the Most High and only Wise to make use of such a bond of authoritie over them, without which they could not long subsist in humane societies, in this wild condition wherein they are.

2. Please you not to be insensible of the slipperie and dangerous condition of this their intermingled cohabita-[280]tion. I am humbly confident, that all the English towns and plantations in all New-England put together suffer not such molestation from the natives as this one towne and people. It is so great and so oppressive that I have dayly feared the tidings of some publicke fire and mischief.

3. Be pleased to review this copie from the lord admirall and that this English towne of Warwick should proceede, also that if any of yours were there planted they should by your authoritie be removed. And we humbly conceive that if the English (whose removes are difficult and chargeable) how much more these wild ones, who remove with little more trouble and dammage than the wild beasts of the wildernesses.

4. Please you to be informed that this small neck (wherein they keepe and mingle fields with the English) is a very den of wickednes, where they not only practice the horrid

barbarisms of all kind of whoredoms, idolatries and conjurations, but living without all exercise of actual authoritie, and getting store of liquors (to our grieve) there is a confluence and rendezvous of all the wildest and most licentious natives and practices of the whole country.

5. Beside satisfaction to Pumham and the former inhabitants of this neck, there is a competitour who must also be satisfied, another Sachim, one Nawwashawfuck, who (living with Ousamaquin) layes claime to this place, and are at dayly fewd with Pumham (to my knowledge) about the title and lordship of it. Hostility is daily threatned.

Our second request concerns 2 or 3 English families at Pawtuxet who, before our charter, subjected themselves unto your jurisdiction. It is true there are many grievances betweene many of the towne of Providence and them, and these I humbly conceive may best be ordered to be composed by reference.

But (2) we have formerly made our addresses and now doe for your prudent removall of this great and long obstruction to all due order and regular proceedings among us, viz. the refusall of these families (pretending your name) to conforme with us unto his Highnes authoritie amongst us.

[281] 3. Your wisedomes experimentally know how apt men are to stumble at such an exemption from all duties and services, from all rates and charges either with yourselves or us.

4. This obstruction is so great and constant, that (without your prudent removall of it) it is impossible that either his Highnes or yourselves can expect such satisfaction and observance from us as we desire to render.

Lastly, as before, we promised satisfaction to the natives at Warwick (and shall all possible ways endeavour their content) so we humbly offer as to these our countrymen, First as to grievances depending, that references may settle them. 2dly,
For

For the future, the way will be open for their enjoyment of votes and privileges, of choosing or being chosen to any office in towne or colonie.

Our third request is for your favourable leave to us to buy of your merchants fower or more barrells of powder yearly, with some convenient proportion of artillerie, considering our hazardous frontier situation to these Barbarians, who from their abundant supply of armes from the Dutch (and perfidious English all the land over) are full of our artillerie, which hath rendered them exceedingly insolent, provoking and threatning, especially the inlanders which have their supply from the fort of Aurania. We have bene esteemed by some of you as your thornie hedge on this side of you: If so, yet an hedge to be maintained: If as our sentinells, yet not to be discouraged. And if there be a jealousy of the ill use of such a favour, please you to be assured that a credible person in each towne shall have the dispose and managing of such supplies according to the true intent and purpose.

For the obtaining of these our just and necessary petitions we have no inducement or hope from ourselves; only we pray you to remember that the matters prayed are no way dishonourable to yourselves and we humbly conceive doe greatly promote the honour and pleasure of his Highnes, yea of the Most High also, and lastly, such [282] kindneses will be obligations on us to studie to declare ourselves, upon all occasions,

Your most humble and
faythfull servants.

Roger Williams, President.

In the name and by the appointment of
Providence Colony.

Honoured Gentlemen,

I pray your patience to one word relating to my selfe only.

Whereas, upon an order from the Lords of his Highnes
Councell, for my future securitie in taking ship and
landing

landing in your ports, it pleased your honoured then Governor Mr. Bellingham to obey that order under his owne hand, I now pray the confirmation of it from one word of this honoured court assembled.

Copy of a Letter from Mr. Roger Williams to the
General Court.

Boston 17. 3. 56. (so called)

May it please this much honoured Assembly,

I Do humbly hope that your owne breasts and the publicke shall reap the fruit of your great gentlenes and patience in these barbarous transactions, and I do cordially promise for my selfe (and all I can perswade with) to studie gratitude and faythfulnes to your service. I have debated with Pumham (and some of the natives helping with me) who shewed him the vexatious life he lives in, your great respect and care toward him, by which he may abundantly mend himselfe and be united in some convenience unto their neighbourhood and your service: But I humbly conceive in his case that *dies et quies sanant hominem*, and he must have some longer breathing, for he tells me that the appearance of this competitour Nawwushawfuck hath stabd him: May you therefore please to [283] grant him and me some longer time of conference, either untill your next generall assembling, or longer at your pleasures.

My other requests I shall not be importune to presse on your great affaires, but shall make my addresse unto your secretarie to receive by him your pleasure.

Honoured Gentlemen,

Your humble and thankfull servant,

R. W.
Copy

Copy of a Letter from the Governor and Magistrates of the Massachusetts to the Commissioners of the united Colonies, and the Proceedings thereon.²⁰¹

Honored Gentlemen,

THE remembrance of the solemne covenants and promises the united colonies (in the beginning of their combination) made one with another, not only to strengthen the hearts and hands each of other in appointing and maintaining of religion in its purity, but also to be assisting each to other where any deficiency in such respects may appear, hath putt us upon the pursuance of our endeavours to discharge our duties in desiring you to consider of some such meet way and expedient, as where any defect appears in any colony in the right improvement of such meanes and ordinances as the Lord hath appointed all his to use and improve for the edification of the body whereof Christ is the head, till his second coming.

Having heard some time since, that our neighbour colony of Plymouth, our beloved brethren, in a great part, seeme to be wanting to themselves in a due acknowledgment and encouragement to the ministry of the gospell, so as many pious ministers of the gospell have (how justly we know not) deserted their stations, callings and relations: Our desire is that some such course may be taken, as that a [284] pious orthodox ministry may be restated amongst them, that so the flood of errors and principles of anarchy (which will not long be kept out where Satan and his instruments are so prevalent as to prevaile to the crying downe of ministry and ministers) may be prevented.

Here hath arrived amongst us severall persons professing themselves Quakers, fitt instruments to propagate the kingdom of Satan; for the securing of ourselves and our neighbours from such pests wee have imprisoned them till they be dispatched away to the place from whence they came, one of which

²⁰¹ This is printed in the Plymouth Records, x, 155. W.

which, Richard Smith, wee have lett out of prison to returne to his family at Southampton, whome wee hope and doubt not but our neighbours of Connecticut well be carefull so to order it as he may doe the least prejudice. As also that some generall rules may be commended to the severall jurisdictions for the settling of government amongst the Indians ; that a generall law may also be commended to the generall court to prohibit the sale of horses to Indians, or to transport any mares beyond the seas to Barbadoes or otherwaife, on a severe penaltie, and that some generall rules may be also commended to each generall court to prevent the coming in amongst us, from forraigne places such notorious heretickes as Quakers, Ranters, &c. and that strong waters to the Indians in all the jurisdictions may be forbidden, that the name of God be not dishonoured. Not else but our best respects to you and earnest desires that the blessing of the Almighty may be on all your indeavours.

Gentlemen,

Your assured friends,

Edw. Rawson, secretary.

In the name and by the order
of the generall court.

Boston, 2d Sept. 1656.

THE Commissioners²⁰² haveing considered the premieses, cannot but acknowledge the godly care and zeale of the gentlemen of the Massachusetts to uphold and main[285]taine those professed ends of coming into these parts, and of combination of the united colonies, which if not attended in the particulars aforefaid will be rendered wholly frustrate, our profession miserably scandalised, ourselves become a reproach in the eyes of those that cannot without admiration behold our suddaine defection from our first principles ; wee cannot therefore but with all earnestnes commend it to the wisdom and justice of the severall jurisdictions to take effectual care and make answerable provision, that religion and the ordinances

²⁰² This is printed in the Plymouth Records, x, 156. W.

ances of Christ professed may be upheld and maintained, which cannot be but by a due encouragement of an able orthodox ministry, a discountenancing of that which is heretick, and an effectually course to keepe out heretickes, the great engines of Satan (in these times) to overthrow the truth, and because this busines is of such high concernment to all, wee shall more particularly impart our thoughts to serious consideration.

1. First, wee cannot (without breach of charitie) but take it for a thing graunted generally by the inhabitants of the united colonies, that an able orthodox ministry is a precious fruite of Christ's death, resurrection and ascension, and necessary for the spiritual good of his people, and to be duely sought after in every society or township within the several jurisdictions.

2. And secondly, that a competent maintenance proportionable to the ability of the place and the necessity of the minister is a debt of justice not charitie

3. Hence thirdly, the minister may justly expect it from that society and township wherein he labours.

4. The reference or relation of a minister being to the whole society jointly, whether in church order or not, his expectation of maintenance, and the debt of justice, is from the whole society jointly.

5. Although the society may according to their discretion use divers ways to raise this maintenance, yet if the ways be ineffectual (though the defect may be in some particular persons) the society cannot be discharged, but is the debtor.

[286] 6. The engagement being upon the society, and that according to religion and right reason, it necessarily follows that the society be enabled with sufficient power to discharge itselfe.

7. Therefore the generall court should declare such a power to be in such societies, that there may be no pretence in them for want thereof, and if any society or township shall be wanting, either out of neglect or opinion, to procure and maintain

taine as above said an orthodexe ministry according to the gospell, wee conceive (by the rules of scripture and the practise not only of all christian governments but even of heathen who not only held their sacra in veneration but tooke care of those that had the keeping of them and the charge* of making knowne their misteries) the severall generall courts stand charged with the care that the people professing christianitie owne and live according to rules and ordinances of their profession, and that the dispensers of them be encouraged as aforesaid. The maintenance of the ministry being a debt of justice from the societie and the societie impowered to discharge it, if any particular person shall be defective to the societie they ought to be ordered by the ordinary course of justice.

These generalls we thought meete to propose, from whence wee leave to the wisdom of the generall court to draw up such conclusions and orders as may attaine the end desired. And if any of the members of the said court should not concur (at present) with our apprehensions, wee doe earnestly desire that by all meanes they would labour to informe and satisfy themselves of the trueth of the particulars aforesaid, whereof wee (for our parts) have noe doubt. Wee doe further propose to the severall generall courts that all Quakers, Ranters, and other notorious heretickes be prohibited coming into the united colonies and if any shall hereafter come or arrise amongst us, that they be forthwith secured or removed out of all the jurisdictions. That some safe provision be made against selling or giving strong lyquors to the Indians without particular and expresse licence from some magi[287]strate, or other officer thereunto deputed, and that upon some weighty cause or exigent. And that noe horse or mare, young or old, be sold to any Indian, under the penaltie of five for one.

And as to the restraints of sending forth or transporting, that each jurisdiction be left to their libertie. [And alsoe that noe boates barques or any tackling belonging thereunto be sold to any Indian under the penaltie of five for one.]²⁰³

²⁰³ The clause in brackets is added from the printed copy of the Plymouth Records. W.



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